Calendar No. 221

84TH CONGRESS, 1st Session } SENATE { REPORT No. 217

RELATING TO THE EXTENSION AND THE FINAL LIQUIDATION OF THE COMMISSION ON ORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT

APRIL 25, 1955.—Ordered to be printed

Mr. MCCLELLAN, from the Committee on Government Operations, submitted the following

REPORT

[To accompany S. 1763]

The Committee on Government Operations, to whom was referred the bill (S. 1763) relating to the extension and the final liquidation of the Commission on Organization of the Executive Branch of the Government, having considered the same, report favorably thereon and recommend that the bill do pass.

PURPOSE

Section 9 (b) of Public Law 108, 83d Congress, approved July 10, 1953, requires that the Commission on Organization of the Executive Branch of the Government shall submit its final report not later than May 31, 1955, at which date the Commission shall cease to exist. The pending bill would extend the requirement for the Commission to submit its final report from May 31, 1955, to June 30, 1955. It would also authorize the Chairman of the Commission to complete final liquidation of the affairs of the Commission within 90 days after June 30, 1955, during which period funds made available to the Commission shall remain available for necessary expenses.

NEED FOR EXTENSION

The 30-day extension authorized by the pending bill is necessary in order to permit the Commission to complete its reports to the Congress. Delays which could not be avoided have been encountered in the work of some of the Commission's task force study groups, and the Commission has undertaken special investigations not originally con-

templated or included in its initial program which will require a minimum of 30 additional days for full consideration and action.

The liquidation period of 90 days prescribed by the bill, following completion of the Commission's action on its reports within the proposed 30-day extension period, is required for editing and printing of the Commission's final reports, the orderly transfer of its records, documents, and files to the National Archives, and for the proper disposal of its furniture, equipment, and other physical assets. The committee has been informed that the unavoidable time lag between the approval of the reports by the Commission and their actual printing and submission in final form to the Congress involves a period of several weeks after being approved by the Commission.

The committee, therefore, recommends approval of S. 1763, in order to permit the Commission to properly consider and to complete action on its reports, and to insure that there will be sufficient time for the orderly liquidation of the affairs of the Commission.

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Calendar No. 222

84TH CONGRESS, 1st Session } SENATE { REPORT No. 218

PROPERTY CONVEYANCE IN AUSTIN, TRAVIS COUNTY, TEX.

APRIL 25, 1955.—Ordered to be printed

Mr. SYMINGTON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 14]

The Committee on Armed Services, to whom was referred the bill (S. 14) to direct the Secretary of the Army to convey certain property located in Austin, Travis County, Tex., to the State of Texas, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

AMENDMENT

On page 5, line 12, strike out the word "primarily".

EXPLANATION OF THE AMENDMENT

The amendment eliminates the word "primarily" from the condition upon which the conveyance is authorized to be made. Section 4 originally authorized the conveyance of this property on the condition that it be used "primarily for training of the National Guard and for other purposes." In order to limit the use of the property directly for training of the National Guard and for military purposes, the committee has deleted the word "primarily."

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of the Army to convey to the State of Texas 189.11 acres of land in Travis County, Tex., without monetary consideration, for use in training the National Guard and for other military purposes. Conveyance would be subject to the reservations and restrictions described elsewhere in this report.

DESCRIPTION OF THE LAND AUTHORIZED TO BE CONVEYED

The land that is authorized to be conveyed by this bill is a part of 200 acres purchased by the United States in 1909 for $5,000. It has been used by the Texas National Guard since its acquisition. 10.89 acres of the original tract have been set aside for other uses and since these lands are needed for continuing defense requirements these have been excluded from this bill.

RESERVATIONS AND RESTRICTIONS

The United States reserves all mineral rights, including gas and oil.

The conveyance authorized by the bill would be upon the condition that if the State of Texas ceased to use the property for training of the National Guard, the Air National Guard, and for other military purposes, title would immediately revert to the United States and all improvements made by the State of Texas would vest in the United States without payment of compensation therefor.

During a national emergency declared by the Congress or the President, if the Secretary of Defense determined that the property authorized to be conveyed by this bill was useful or necessary for defense purposes, the United States would have the right to reenter and to use the property without obligation to make payment of any kind.

The bill contains a provision reserving to the United States rights of ingress and egress over the lands authorized to be conveyed in order that the utilization of the 10.89 acres in the original tract, but excluded from this bill, would not be impaired.

BUDGET DATA—DEPARTMENTAL RECOMMENDATIONS

Enactment of this bill would not involve the expenditure of any Department of Defense funds.

Since the Department of Defense has no foreseeable requirement for this property and in view of provisions in the bill assuring availability of the property for use if required in a national emergency, the Department of Defense recommends enactment of the bill, as is evidenced by the letter from the Secretary of the Army that is printed below and hereby made a part of the report.

DEPARTMENT OF THE ARMY,
Washington 25, D. C., March 21, 1955.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 14, 84th Congress, a bill to direct the Secretary of the Army to convey certain property located in Austin, Travis County, Tex., to the State of Texas. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The Department of the Army on behalf of the Department of Defense interposes no objection to the enactment of this bill.

The purpose of the bill is to authorize and direct the Secretary of the Army to convey to the State or Texas all the right, title, and interest of the United States in and to 189.11 acres of a tract of land in Travis County, Tex., consisting

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of 200 acres and known as the Camp Mabry Militia Rifle Range Tract, for use primarily for training of the National Guard and Air National Guard and for other military purposes, the conveyance to be made without monetary consideration therefor, but with certain reservations and rights of reversion, as well as the right of repossession in the event of need for such action during a national emergency.

The United States purchased the 200 acres identified in lines 10–14, page 4 of S. 14, in June 1909 for $5,000 and it has been used by the Texas National Guard since its acquisition for maneuver and bivouac purposes and as an impact area in conjunction with the adjoining State-owned rifle range. In 1950, an Organized Reserve Corps armory was constructed by the Department of the Army on a 5-acre parcel of this tract and, in 1954, an additional 5.89 acres adjoining the armory site were set aside for joint use by the Army and Air Force Reserves. These two parcels, which are identified in lines 14–18 on page 4 of the bill, are needed for continuing defense requirements and, therefore, have been properly excepted from the area to be conveyed to the State of Texas.

The Department of Defense has no foreseeable requirement for this property and, in view of the provisions of the bill assuring availability of the property for use for defense purposes in the event of need therefor during a national emergency, this Department favors the proposed conveyance.

Enactment of this measure will not involve the expenditure of any Department of Defense funds.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

A similar report on S. 3875, 83d Congress, an identical bill, was submitted to the committee on January 3, 1955. The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

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Calendar No. 223

84TH CONGRESS, 1st Session } SENATE { REPORT No. 219

PROPERTY CONVEYANCE, CAMP DODGE AND POLK COUNTY TARGET RANGE, IOWA

APRIL 25, 1955.—Ordered to be printed

Mr. SYMINGTON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 148]

The Committee on Armed Services, to whom was referred the bill (S. 148) to direct the Secretary of the Army to convey certain property located in Polk County, Iowa, and described as Camp Dodge, to the State of Iowa, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

Amend the title so as to read:

A bill to direct the Secretary of the Army to convey certain property located in Polk County, Iowa, and described as Camp Dodge and Polk County Target Range, to the State of Iowa.

On page 2, line 9, strike the word "primarily".

On page 3, line 16, strike out "Act." and insert in lieu thereof the following:

Act: *Provided*, That the improvements on such lands which are now being used by the State of Iowa for other than military purposes may continue to be used for such purposes so long as such use does not interfere with the utilization of such lands for military purposes.

EXPLANATION OF THE AMENDMENTS

The first amendment adds the Polk County Target Range to the title.

The second amendment eliminates the word "primarily" from the condition for which the conveyance is authorized to be made. Section 3 originally authorized the conveyance of this property on the condition that it be used "primarily for training of the National Guard and for other purposes." In order to limit the use of the property directly

for training of the National Guard and for military purposes, the committee deleted the word "primarily."

The third amendment attempts to make clear that the State of Iowa may continue to use certain State-owned property on State-owned lands for the purposes that they are now being used. As part of the consideration for this conveyance the State of Iowa undertakes to use certain State-owned lands adjacent to the property that is the subject of this bill for military purposes only. Testimony before the committee indicated that the State now has certain storage facilities on these State-owned lands that are used for other than military purposes. The amendment is designed to permit the continued utilization of these improvements for the purposes that they are now used, so long as this does not interfere with the military utilization of the other property.

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of the Army to convey to the State of Iowa, without monetary consideration, property known as the Camp Dodge Military Reservation and the Polk County Target Range, comprising in total approximately 2,590.66 acres. The conveyance would be subject to the reservations and restrictions described elsewhere in this report.

DESCRIPTION OF THE PROPERTY TO BE CONVEYED

The 1,848.32 acres comprising Camp Dodge were purchased by the Government at a cost of $522,557 after World War I. Improvements costing $419,524 have been placed on the reservation at Government expense.

The 742.34 acres comprising Polk County Target Range were purchased by the Government at a cost of $85,591.50. The Government has made certain improvements, the original cost of which is not recorded, on these lands.

RESERVATIONS AND RESTRICTIONS

The United States reserves all mineral rights, including gas and oil.

The conveyance authorized by the bill would be upon the condition that if the State of Iowa ceased to use the property for training of the National Guard, the Air National Guard, and for other military purposes, title would immediately revert to the United States and all improvements made by the State of Iowa would vest in the United States without payment of compensation therefor.

During a national emergency declared by the Congress or the President, if the Secretary of Defense determined that the property authorized to be conveyed by this bill was useful or necessary for defense purposes, the United States would have the right to reenter and to use the property without obligation to make payment of any kind.

In consideration for the conveyance of this property the State of Iowa would agree to use for military purposes only and not to dispose of certain lands and improvements now owned by the State and which are used for National Guard purposes in connection with the operation of Camp Dodge and the Polk County target range.

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BUDGET DATA—DEPARTMENTAL RECOMMENDATIONS

Enactment of this bill would not involve the expenditure of any Department of Defense funds.

Since the property authorized to be conveyed would be required only during a national emergency and because the bill contains adequate provision for recapture of use during such emergency, the Department of Defense is not opposed to the enactment of this bill, as is evidenced by the letter from the Secretary of the Army that is printed below and hereby made a part of this report.

DEPARTMENT OF THE ARMY,
Washington 25, D. C., March 18, 1955.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 148, 84th Congress, a bill to direct the Secretary of the Army to convey certain property located in Polk County, Iowa, and described as Camp Dodge, to the State of Iowa. The Secretary of Defense has delegated to the Department of the Army the responsibility for reporting the views of the Department of Defense thereon.

The Department of the Army on behalf of the Department of Defense interposes no objection to the enactment of this bill.

The purpose of this bill is to authorize and direct the Secretary of the Army to convey by quitclaim deed, without consideration, to the State of Iowa certain lands in Polk County, Iowa, designated as Camp Dodge Military Reservation, and Polk County Target Range for use primarily for the training of the National Guard of Iowa and for other military purposes. The bill provides that the conveyance shall reserve to the United States all mineral rights, including oil and gas, and shall provide that the United States shall have the right to reenter and use the property during a national emergency. In addition, section 5 of the bill contemplates agreement by the State of Iowa that it will use for military purposes only the State-owned property nearby used by the National Guard of Iowa and that it will not sell, convey, or otherwise dispose of all or any part of the State-owned property.

Camp Dodge was established by the War Department during World War I on lands leased from the Greater Des Moines Committee, with options for renewal of the lease until 1922 and for the purchase of such portions of the property required after that date. The Government exercised its option to purchase approximately 1,848.32 acres in fee at a cost of $522,557. The improvements located at Camp Dodge consist of 12 hospital buildings and covered walks constructed by the Government in 1942 at a cost of $419,524, and 1 residence acquired with the land.

Polk County Target Range comprises approximately 742.34 acres of land acquired in fee by the United States during the years 1908–9 and 1917–19 at a cost of $85,591.50 for use as a rifle range for training National Guard units. The improvements located on Polk County Target Range consist of 11 buildings, including 5 well houses, 1 pump station, 1 oil house, 1 500,000-gallon reservoir, 1 substation, 2 sheds, and 3 residences acquired with the land. The original cost of these improvements is not known.

Camp Dodge and Polk County Target Range have been used by the United States during World War I and II only. During those periods, a State-owned National Guard facility, consisting of approximately 575 acres of State-owned lands providing a wide corridor connecting the two installations, was used by the Federal Government for a nominal consideration. When not required for Federal use, most of the Government-owned installations have been made available to the State of Iowa for National Guard use under licenses for periods not in excess of 5 years. In addition, the Department of the Army has leased 14 parcels of land for agricultural purposes and has leased 3 of the residences to the State of Iowa.

Enactment of this measure would provide for the consolidation of the State and federally owned lands into a military installation comprising 3,165 acres and would perpetuate its availability for military training and use. The Department of

Defense has no foreseeable requirement for these properties except during a national emergency and, therefore, is not opposed to their disposition in the manner provided in S. 148 to promote national defense.

It is recommended that the title to this bill be amended to refer to Polk County Target Range, as well as Camp Dodge.

The enactment of S. 148 will not involve the expenditure of any Federal funds.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

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Calendar No. 224

84TH CONGRESS, 1st Session | SENATE | REPORT No. 220

CONVEYANCE OF JACKSON BARRACKS, LA.

APRIL 25, 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 653]

The Committee on Armed Services, to whom was referred the bill (S. 653) to provide for the conveyance of Jackson Barracks, La., to the State of Louisiana, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS TO THE BILL

On page 1, strike out lines 5 through 7 and insert in lieu thereof the following:

interest of the United States in and to so much of the real property comprising Jackson Barracks, Louisiana, as is held by the State of Louisiana under lease No. W-766-QM-6117 and a license issued by the Secretary of the Army on July 26, 1952, being in the aggregate 104.06 acres, more or less, in Orleans.

On page 1, lines 10 and 11, strike out "training and support of the National Guard of Louisiana," and insert in lieu thereof the following:

training of the National Guard of Louisiana and for other military purposes,

On page 2, line 4, beginning with the word "emergency", strike out down through line 7 and insert in lieu thereof the following:

emergency; and the condition and limitation that if the property shall fail or cease to be used for the training of the National Guard of Louisiana or for other military purposes, the title to the property so conveyed shall revert to and revest in the United States.

EXPLANATION OF THE AMENDMENTS

The first amendment reduces and more accurately describes the property authorized to be conveyed.

The second amendment alters the language conditioning the use of the property by the State of Louisiana in order to make this lan-

guage conform to that approved by the committee for other similar bills.

The third amendment adds a provision that if the State ceases to use the property for the training of the National Guard or for other military purposes, the title immediately shall revert to the United States.

This amendment also eliminates authority of the Secretary to impose other conditions upon the conveyance.

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of the Army to convey to the State of Louisiana, without monetary consideration, certain property comprising Jackson Barracks in Orleans and St. Bernard Parishes, La. The conveyance is subject to the restrictions and conditions described elsewhere in this report.

DESCRIPTION OF PROPERTY TO BE CONVEYED

The lands authorized to be conveyed by this bill total approximately 104.06 acres. Jackson Barracks embraces approximately 137.96 acres, with improvements, but the Maritime Administration has a continuing need for approximately 2 acres for storage purposes and the Transportation Corps of the United States Army desires to retain active use and control of approximately 31.90 acres. The lands comprising Jackson Barracks were acquired by the United States at a cost of $207,017.

RESERVATIONS AND RESTRICTIONS

The United States reserves all mineral rights, including oil and gas.

In the event of need for this property during a national emergency, the United States reserves the right of reentry and use.

If the State of Louisiana ceases to use the property for the training of the National Guard or for other military purposes, the title to the property would immediately revert to and revest in the United States.

BUDGET DATA—DEPARTMENTAL RECOMMENDATIONS

Enactment of this bill, as amended, would not involve the expenditure of any Department of Defense funds.

The Department of the Army has a firm mobilization requirement for the entire installation. However, in view of the provision for recapture for use during a national emergency the Department of the Army interposes no objection to the enactment of the bill, as it has been amended. The views of the Department of Defense are set forth in a letter from the Acting Secretary of the Army that is printed below and hereby made a part of this report.

DEPARTMENT OF THE ARMY,
Washington 25, D. C., March 31, 1955.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Secretary of Defense with respect to S. 653, 84th Congress, a bill to provide for

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the conveyance of Jackson Barracks, La., to the State of Louisiana, and for other purposes. The Secretary of Defense has delegated to the Department of the Army the responsibility for reporting the views of the Department of Defense thereon.

The Department of the Army on behalf of the Department of Defense interposes no objection to the enactment of S. 653 provided it is amended in the manner set forth in this report.

The purpose of the bill is indicated in its title.

Jackson Barracks embraces approximately 137.96 acres of Government-owned land with military structures and improvements situated in the third municipal district of New Orleans, La. The land was acquired by the United States in four increments at a cost totaling $207,017. The original post, comprising 66.56 acres, was purchased in 1833 and was known as the New Orleans Barracks until 1937. The post was expanded in 1848 by the purchase of 21.31 additional acres. However, the acquisition of the remaining 50.09 acres in 2 increments of 16.2 acres and 33.89 acres, respectively, did not occur until 1942 and afterward when it became necessary to expand the reservation to carry out its mission as a staging area for the New Orleans Port of Embarkation. The Department of the Army is unable to reconcile the acreage set forth in lines 6 and 7, page 1, with its acreage records for Jackson Barracks summarized above.

Jackson Barracks was used by the National Guard of Louisiana under licenses in effect from February 1, 1922, to December 4, 1930. In the meantime, it was one of several installations which the act of Congress approved March 12, 1926 (44 Stat. 203), authorized the Secretary of War to sell with a 2-year option in the State in which the land was located to purchase the property at its appraised value. The act of Congress approved March 30, 1928 (45 Stat. 397), provided for a period of 6 years in which the State of Louisiana could exercise its option to purchase Jackson Barracks. However, on December 5, 1930, the Secretary of War granted the State of Louisiana a lease of Jackson Barracks for a term not exceeding 25 years, in consideration of its maintenance and upkeep, for use for National Guard purposes, pursuant to authority expressly provided by the act of Congress approved June 28, 1930 (46 Stat. 831), the State having released its option to purchase the property. The lease will expire on December 4, 1955.

During World War II approximately 68.49 acres of the property leased to the State were excluded from the lease by amendments thereto and used as a part of the staging area referred to above. However, the area was returned to the State's use in 1947. In addition, the State is using an area embracing approximately 16.19 acres for National Guard training under licenses issued by the Secretary of the Army. The Maritime Administration is using approximately 2 acres for storage purposes and the Transportation Corps, United States Army, retains active use and control of approximately 31.90 acres for open storage purposes.

In addition to the continuing requirement for the open storage area to provide support for essential operations of the New Orleans Port of Embarkation, the Transportation Corps of the Army has a firm mobilization requirement for the entire installation. Section 1 of S. 653 generally is considered sufficiently broad in scope to authorize the Secretary of the Army to incorporate in the deed conveying any portion of Jackson Barracks the terms, conditions, reservations, and restrictions, including recapture during an emergency, which are customarily included in such conveyances. However, in order to provide for current and long-range requirements of the Department of the Army for the open storage area, it is recommended that lines 5–7, page 1, be deleted and the following substituted therefor: "interest of the United States in and to so much of the real property comprising Jackson Barracks, Louisiana, as is held by the State of Louisiana under lease No. W–766–QM–6117 and a license issued by the Secretary of the Army on July 26, 1952, being in the aggregate 104.06 acres, more or less, in Orleans."

Furthermore, it is recommended that after the word "emergency" in line 5, page 2, a semicolon be substituted for the comma and the following phrase be inserted: "the condition and limitation that if the property shall fail or cease to be used for the training and support of the National Guard of Louisiana, the title to the property so conveyed shall revert to and revest in the United States;"

Enactment of this measure, amended in the manner recommended, will not involve the expenditure of any Department of Defense funds.

A similar report on H. R. 2593, 84th Congress, an identical bill, has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advised that there is no objection to the submission of a similar report on H. R. 2593, 84th Congress, an identical bill.

Sincerely yours,

CHARLES FINUCANE,
Acting Secretary of the Army.

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Calendar No. 225

84TH CONGRESS, 1st Session | SENATE | REPORT No. 221

SETTLEMENT OF ACCOUNTS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES

APRIL 25, 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 933]

The Committee on Armed Services, to whom was referred the bill (S. 933) to facilitate the settlement of the accounts of deceased members of the uniformed services, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

AMENDMENTS TO THE BILL

The amendments are as follows:

On page 2, line 8, strike the words "the United States" and insert in lieu thereof "the uniformed service of which the decedent was a member".

On page 3, beginning with line 4 and ending line 10, delete all of section 3 and insert in lieu thereof the following:

SEC. 3. Subject to such rules and regulations as may be prescribed by the Comptroller General of the United States, amounts payable to beneficiaries designated by the member under Section 2 of this Act shall be paid by the Department or uniformed service concerned. All other payments under this Act shall be paid upon settlement by the General Accounting Office. Any payment made under this Act shall be a bar to recovery by any other person of any amount so paid.

On page 4, beginning with line 4, delete all through line 8, and insert in lieu thereof the following:

SEC. 5. The payment provisions of this Act shall be effective only in cases wherein the member's death occurs on or after the first day of the sixth month following the month in which this Act is enacted. The following statutory provisions are repealed as of the effective date of the payment provisions of this Act, except with respect to the deaths of members occurring prior to such effective date:

On page 5, beginning with line 3 and ending line 5, delete all of section 6.

PURPOSE OF COMMITTEE AMENDMENTS

The committee amendments do not revise the sense of the bill, but were adopted in order to clarify certain provisions. Each amendment is explained in the appropriate sectional analysis of the bill.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the settlement of the final pay account of deceased members of the Armed Forces by providing that military members may designate a beneficiary to receive their final pay.

EXISTING LAW AND LEGISLATIVE BACKGROUND

Under existing law there is no authority by which a military member may designate the beneficiary for his final pay account. This pay refers to the amount of military compensation due the member from the time he was last paid until the date of his death, or, in the case of a person who has been carried in an absent-casualty status, to the presumed date of death (if any), or the date of receipt of evidence of death.

The existing statutes relating to the settlement of final pay for the various military departments provide that payment of the final pay will be made in the following order of priority: (1) To a duly appointed legal representative, if a claim is submitted by him before settlement with a person of another authorized class; (2) to the widow or widower; (3) to the children; (4) to the father and mother in equal parts or to the survivor thereof; and (5) to the brothers and sisters and children of deceased brothers and sisters, per stirpes. These authorities also provide that final settlement will be made by the General Accounting Office.

ADMINISTRATION OF EXISTING LAW BY THE COMPTROLLER GENERAL

The Comptroller General, in recommending this legislation, noted the need for simplifying the existing statutes. Under existing law considerable administrative effort is required in order to determine the persons entitled to the pay balances due the estates of deceased servicemen. Cases often require the Comptroller to determine the validity of marriages, divorces, and legitimacy, and often involve determinations under the laws of the various States. Examples under existing law are "multiple widow" cases, wherein more than one spouse may present herself as the legal wife; instances involving adoptive parents; and cases involving legitimacy.

Also, under existing law, the "father desertion" and "foster parent" cases present troublesome problems. As to the first class, objection often is raised to payment (as required by existing law) to a father who deserted his wife and family while the children were small. As to the second class, a natural parent usually receives the balance due the decedent to the exclusion of a foster parent who may have reared the serviceman from infancy to manhood.

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AIM OF S. 933

The aim of this bill is to permit the soldier himself to designate a beneficiary for his final pay. The measure in substance, by permitting a designated beneficiary, provides for a testamentary disposition by the serviceman of that part of his estate representing his final pay. This legislation would therefore permit the serviceman to make his own choice as to such beneficiary and at the same time relieve the General Accounting Office and the military departments of considerable administrative burden and cost in connection with the settlement of final-pay accounts.

SIMILAR EXISTING LEGISLATION

Military members under existing law may designate a beneficiary with regard to the 6 months' death gratuity and with respect to the servicemen's indemnity payments. There is also presently in effect legislation (Public Law 636, Aug. 3, 1950, 81st Cong.) providing that civilian officers and employees of the Federal Government may designate the beneficiaries of their final pay. This bill is patterned after Public Law 636.

The General Accounting Office has found that Public Law 636 has resulted in the more prompt settlement of the accounts of deceased civilian officers and employees of the Government as well as in substantial savings of administrative costs to the agencies and to the General Accounting Office.

SECTIONAL ANALYSIS OF THE BILL

Section 1. Executive departments affected

Section 1 in defining the departments to which the bill would be applied names the military departments, the Department of the Treasury for the Coast Guard, the Department of Commerce for the Coast and Geodetic Survey, and the Department of Health, Education, and Welfare for the Public Health Service. The members of the uniformed services are defined as presently provided for in military-pay legislation.

Section 2. Order of distribution

This section provides that where a deceased military member has an amount of final pay due from his military service, that the amount will be paid in the following order of precedence: (1) To a designated beneficiary; (2) to the widow or widower; (3) to the child or children and their descendants by representation; (4) to the parents or the survivor of them; and (5) to the duly appointed legal representative of the estate of the deceased member or if none to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased member. It is significant to note that the bill modifies existing law by authorizing payment first to the designated beneficiary, and places the legal representative of the estate at the end of the order of precedence.

The order of precedence under this bill is identical to that provided for civilian employees of the Federal Government under Public Law 636, 81st Congress, and for Federal employees group insurance under Public Law 598, 83d Congress.

The committee added amending legislation to this section in order to make certain that the only final pay which would be subject to distribution under the bill would be that which the decedent was due from the military department in which he served.

Section 3. Departmental settlement responsibility

This section provides that the military department concerned shall make payment to the beneficiaries designated to receive the final pay. The General Accounting Office estimates that under this authority about 95 percent of the payments would be made by the military departments. All other payments would be made by the General Accounting Office. The section further provides that the Comptroller General shall prescribe regulations concerning the payments by the military departments. These regulations, together with the normal post audit procedure by the General Accounting Office, will insure adequate protection of the interest of the United States, as well as the interest of the beneficiaries.

Section 4. Designation of beneficiary before effective date of payment provisions

This section relates to the designation of a beneficiary prior to the effective date of the payment provisions of the bill, which provisions would become effective on the first day of the sixth month following the date of enactment. The section provides that in the absence of the designation of a beneficiary under the act, that a beneficiary designated, during this period, for the purpose of the 6 months' death gratuity pay would be considered as a beneficiary for the purpose of this act, except in the case of a member who is missing in action in the hands of a hostile force or interned in a foreign country during any part of the period between the date of enactment of the act and the effective date of the payment provisions.

Section 5. Effective date of payment provisions

This section provides that the payment provisions of the bill will be effective only in cases where the member's death occurs on or after the first day of the sixth month following the month in which the act is enacted. This section also repeals existing statutes on final pay accounts as of the effective date of the payment provisions of the act, with the exception that payments in cases involving deaths occurring prior to the effective date of the payment provisions will be made under the inoperative statutes.

The amending language expressly repeals existing statutes but makes an appropriate savings provision.

Deleted section

The committee deleted section 6 of the bill as being unnecessary. This section would have provided that the departments take the necessary action to inform members of their rights to designate beneficiaries.

DEPARTMENTAL RECOMMENDATIONS—BUDGET DATE

This bill was recommended by the Comptroller General as a legislative recommendation to the Congress. The Comptroller General's office has informed the committee that prior to submission of the legislative proposal to the Congress, all of the executive departments concerned indicated agreement with the intent and purpose of the

proposed measure. The Department of the Army on behalf of the Department of Defense approves its enactment.

The Comptroller General estimates that the enactment of this legislation should result in a considerable saving in the administrative costs relating to the settlement of final pay accounts.

Following below are the appropriate letters from the Comptroller General and the Department of the Army.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 27, 1955.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: Under date of July 1, 1953, the former Comptroller General transmitted to the then chairman of your committee a draft of a proposed bill to facilitate the settlement of the accounts of deceased members of the uniformed services, and for other purposes. This bill was designed to simplify the settlement of the accounts of deceased members of the uniformed services and to expedite payment of the amounts found due.

The proposed draft was introduced in the 83d Congress as S. 2311, but failed of enactment. Under date of June 22, 1954, the General Accounting Office, at the request of the Bureau of the Budget, reviewed a proposed report of the Secretary of the Army for the Department of Defense to your committee on the bill. Such report disclosed general agreement with the purposes of the legislation with certain proposed changes of a minor nature, none of which are the subject of serious objection by the General Accounting Office.

There are enclosed a copy of the draft of the bill, a copy of the letter addressed by the former Comptroller General to the then chairman of your committee under date of July 1, 1953, which letter sets forth in detail the nature of the proposed legislation and the purposes sought to be accomplished thereby, and a copy of letter of June 22, 1954, to the Director of the Bureau of the Budget expressing the views of the General Accounting Office on the proposed report of the Department of Defense on the bill.

It is believed that the enactment of the legislation proposed will result in an improvement in the manner of the handling of payments of the type involved, that it will facilitate such payments and will result in substantial administrative savings to the Government. Therefore, and since the several departments affected by the bill have indicated their agreement with the purposes sought to be accomplished thereby, it is recommended that the matter be given early consideration by your committee. Representatives of the General Accounting Office will, of course, be available to furnish any additional explanation or information desired by the committee.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE ARMY,
Washington, D. C., March 30, 1955.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 933, 84th Congress, a bill to facilitate the settlement of the accounts of deceased members of the uniformed services, and for other purposes. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The purpose of the proposed bill is to provide uniformity of procedure between military and civilian personnel and to simplify and expedite disposition of accounts by permitting the Departments to settle the accounts of deceased members of the uniformed services if authorized by the Comptroller General of the United States,

rather than submitting such accounts to the General Accounting Office for settlement as now required by law.

The proposed bill is patterned after the act of August 3, 1950 (Public Law 636, 81st Cong.; 64 Stat. 395), which is applicable to civilian officers and employees of the Federal Government. One of the differences between the proposed bill and the present law (10 U. S. C. 868, 34 U. S. C. 941a) is the order of distribution. Under the proposed bill the amount due would go to (1) a previously designated beneficiary; if none (2) to the widow or widower; (3) if no beneficiary or surviving spouse, to the child or children; (4) to the parents or survivor of them; (5) to the duly appointed legal representative of the estate or if there be none to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased member. Another difference is that under existing law rights vest as of the date of settlement, whereas under the proposal rights would vest "at the date of death."

The measure in effect permits what in substance is a testamentary disposition by the serviceman of that part of his estate representing final pay in favor of a designated beneficiary. Such person has the right to do this under the general laws of most States and no reason is seen why with respect to this part of his estate, namely, arrears of pay, he should not be given an opportunity to designate a beneficiary therefor. As a matter of fact, settlements under the proposed measure would simplify the disposition of such accounts, obviating the necessity in many cases of determining the validity of marriages, divorces, the legitimacy of children, etc., by making payment to the designated beneficiary. Also, in the interest of uniformity of procedure, so far as military and civilian personnel are concerned, this measure is deemed desirable. The Department perceives no difference legally, or otherwise, between the status of military or civilians so far as affecting their right to designate beneficiaries to receive this part of the estate of the deceased, and favors the provision of the bill which would establish an order for the distribution of the amounts due which gives first priority to the beneficiary named by the deceased member of the uniformed services or of the National Guard or the Air National Guard.

With regard to the term "amount found due" in section 2 of the bill, it is recommended that the bill be amended to define the term at least insofar as military personnel are concerned, to make it clear that the amounts found due are limited to amounts due from the respective military departments rather than from the United States generally. This may be accomplished by deleting the words "United States" in section 2 of the bill (line 7, p. 2) and inserting in lieu thereof "the uniformed service of which the decedent was a member".

Section 3 of the act of August 3, 1950 (64 Stat. 396) authorizes the employing agency to pay the amount found due in the account of a civilian employee of the Government only where there is a designated beneficiary or where the payment is to be made to a surviving spouse and provides that in other cases payment will be made on settlement by the General Accounting Office. While the Comptroller General, under section 3 of the proposed bill, might have authority to promulgate regulations it is considered preferable to amend the proposed bill so as to include a provision similar to that contained in section 3 of the act of August 3, 1950. In discussions with representatives of the General Accounting Office with reference to an amendment, the following substitute language was recommended:

"SEC. 3. Subject to such rules and regulations as may be prescribed by the Comptroller General of the United States, amounts payable to beneficiaries designated by the member under section 2 of this Act shall be paid by the Department or Uniformed Service concerned. All other payments under this Act shall be paid upon settlement by the General Accounting Office. Any payment made under this Act shall be a bar to recovery by any other person of any amount so paid."

This language will allow the military departments to pay the amounts found due to a designated beneficiary only. However, in view of the fact that representatives of the General Accounting Office advise that this authority will provide for the settlement of approximately 95 percent of the cases, the Department of the Army on behalf of the Department of Defense is agreeable to the proposed substitute language.

Representatives of the General Accounting Office have also recommended that the first five lines of section 5 of the bill be deleted and the following language substituted therefor:

"SEC. 5. The payment provisions of this Act shall be effective only in cases wherein the member's death occurs on or after the first day of the sixth month following the month in which this Act is enacted. The following statutory

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provisions are repealed as of the effective date of the payment provisions of this Act, except with respect to the deaths of members occurring prior to such effective date:"

There is no objection to such substitute language.

Section 6 of S. 933 appears to be superfluous since notification to members of the department or uniformed service concerned would normally be made as a matter of good administrative procedure, and it should not be necessary to enact such a provision into positive law. Accordingly, it is recommended that section 6 of the proposed bill be deleted.

Subject to the above comments, the Department of the Army on behalf of the Department of Defense interposes no objection to the enactment of S. 933.

Enactment of this bill would result in no additional budgetary requirements to the Department of Defense. A savings in administrative costs would be realized.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

CHARLES C. FINUCANE,
Acting Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, there is herewith printed in parallel columns the text of provisions of existing law which would be repealed or amended by the various provisions of the bill:

EXISTING LAW	THE BILL
	Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act the term "Department" shall mean the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of the Treasury, the Department of Commerce, or the Department of Health, Education, and Welfare, as the case may be, and the terms "uniformed services," "member" and "Secretary" shall have the respective meanings given those terms in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended, on the date of enactment of this Act, except that "the Secretary of Health, Education, and Welfare" shall be substituted for "the Federal Security Administrator" in the definition of the term "Secretary".
(10 U. S. C. 868)	
In the settlement of the accounts of deceased officers or enlisted persons of the Army, where no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow, widower, or legal heirs in the following order of precedence: First, to the widow or widower; second, if decedent left no widow or widower, or the widow or widower be dead at time of settlement, then to the children or their issue, per	SEC. 2. In the settlement of the account of any deceased member of the uniformed services or of the National Guard or the Air National Guard, the amount found due therein from the uniformed service of which the decedent was a member shall be paid to the person or persons surviving at the date of death in the following order of precedence: First, to the beneficiary or beneficiaries named to receive any such amount in a written designation exe-

EXISTING LAW	THE BILL
stirpes; third, if no widow, widower, or descendants, then to the father and mother in equal parts; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, widower, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.	cuted by the member and received, prior to his death, in the place designated for such purpose in the regulations of the Department concerned; Second, if there be no such beneficiary, to the widow or widower of such member;
(34 U. S. C. 941a)	
In the settlement of the accounts of deceased officers or enlisted persons of the Navy and Marine Corps where no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow, widower, or legal heirs in the following order of precedence: First, to the widow or widower; second, if decedent left no widow or widower, or the widow or widower be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow, widower, or descendants, then to their father and mother in equal parts; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, widower, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes; *Provided*, That this section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.	Third, if there be no beneficiary or surviving spouse, to the child or children of such member, and descendants of deceased children, by representation; Fourth, if none of the above, to the parents of the member, or the survivor of them; and Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased member, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased member.
(14 U. S. C. 466)	
In the settlement of the accounts of deceased officers or enlisted persons, where no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow, widower, or legal heirs in the following order of precedence: first, to the widow or widower; second, if decedent left no widow or widower, or the widow or widower is dead at the time of settlement, then to the children or their issue, per stirpes;	

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EXISTING LAW

third if no widow, widower, or descendants, then to the father and mother in equal parts; fourth, if either the father or mother is dead, then to the one surviving; fifth, if there is no widow, widower, child, father, or mother, at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes. This section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.

(42 U. S. C. 225)

(a) In the settlement of the accounts of deceased commissioned officers where no demand is presented by a duly appointed representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if the decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or children or their issue, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes.

(b) Subsection (a) shall not be construed so as to prevent payment of funeral expenses from the amount due the decedent's estate if a claim therefor is presented, before settlement by the accounting officers, by the person or persons who actually paid such expenses.

THE BILL

SEC. 3. Subject to such rules and regulations as may be prescribed by the Comptroller General of the United States, amounts payable to beneficiaries designated by the member under section 2 of this Act shall be paid by the Department or uniformed service concerned. All other payments under this Act shall be paid upon settlement by the General Accounting Office. Any payment made under this Act shall be a bar to recovery by any other person of any amount so paid.

SEC. 4. Designations of beneficiary under this Act, and changes therein, shall be made under regulations promul-

EXISTING LAW

THE BILL

gated by the Secretaries concerned, and such regulations shall be uniform for all services in so far as practicable: *Provided*, That any designation of beneficiary made for the purposes of any six months' death gratuity (including any designation of a person whose right to the gratuity would not depend upon such designation) and heretofore or hereafter received in the Department concerned before the effective date of the payment provisions of this Act shall be considered as a designation of beneficiary for the purposes of this Act, in the absence of a designation of beneficiary under this Act, unless the member making the designation shall have been missing, missing in action, in the hands of a hostile force, or interned in a foreign country during any part of the period between the date of enactment of this Act and the effective date thereof as prescribed in section 5 of this Act

SEC. 5. The payment provisions of this Act shall be effective only in cases wherein the member's death occurs on or after the first day of the sixth month following the month in which this Act is enacted. The following statutory provisions are repealed as of the effective date of the payment provisions of this Act, except with respect to the deaths of members occurring prior to such effective date:

(1) The paragraph of the Act of June 30, 1906 (34 Stat. 750), which relates to the settlement of accounts of deceased officers and enlisted men of the Army, as amended by the Act of December 7, 1944 (58 Stat. 795), and section 4 of the Act of February 25, 1946 (60 Stat. 30, 10 U. S. C. 868).

(2) Section 1 of the Act of February 25, 1946 (60 Stat. 30), as amended by section 18 of the Act of August 4, 1949 (63 Stat. 560, 34 U. S. C. 941a).

(3) The paragraph in section 1 of the Act of August 4, 1949 (63 Stat. 531), which relates to the settlement of accounts of deceased officers and enlisted persons of the Coast Guard (14 U. S. C. 466).

(4) Section 507 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 711), as amended by section 2 of the Act of February 25, 1946 (60 Stat. 30, 42 U. S. C. 225).

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Calendar No. 226

84TH CONGRESS, 1st Session | SENATE | REPORT No. 222

AMENDING SECTION 402 OF THE FEDERAL EMPLOYEES UNIFORM ALLOWANCE ACT, APPROVED SEPTEMBER 1, 1954

APRIL 25, 1955.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany S. 1094]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1094) to amend section 402 of the Federal Employees Uniform Allowance Act, approved September 1, 1954, having considered the same, report favorably thereon and recommend that the bill do pass.

PURPOSE

S. 1094 makes a technical correction in the Federal Employees Uniform Allowance Act, approved September 1, 1954, so that it can be equitably administered.

BACKGROUND

The act does not extend benefits to any employee or group of employees on an automatic basis. It merely authorizes appropriations, upon a showing by a department or agency, of the necessity or desirability thereof, to pay allowances of not to exceed $100 per annum, to employees who were required by regulations existing on the date of enactment of the act, or by law, to wear a prescribed uniform. The Bureau of the Budget is directed by the act to promulgate such rules and regulations as may be necessary to provide for the equitable and consistent administration of the act.

The Bureau of the Budget has found that serious inequities among Federal employees will arise if benefits should be intitated under existing provisions limiting eligibility to employees who were required by regulations "existing on the date of enactment" of the act, to wear a prescribed uniform when on official duty. For this reason early enactment of S. 1094, which would strike out the quoted language and thus make the benefits of the act potentially available to all employees

who are required by law or regulation to wear prescribed uniforms in the performance of their official duties is necessary to avoid inequities among uniformed employees which otherwise would arise when benefits are initiated.

PROBLEM

In some agencies, certain employees wear uniforms solely as a matter of custom or tradition, while in other agencies, the same types of employees wear uniforms by reason of regulations that were in effect on "the date of enactment" of the act. Thus, employees in the former category are excluded from consideration for benefits, and they cannot be made potentially eligible through administrative action because of the provision that regulations prescribing the wearing of the uniform must have existed "on the date of enactment" of the act. Following are a few examples:

1. Nurses in the Veterans' Administration wear uniforms pursuant to regulations in effect on the "effective date" of the act, so are potentially eligible for the benefits; but nurses in at least seven other agencies would not be eligible because they wear uniforms as a matter of custom and not pursuant to regulation.
2. Guards in the Army would be eligible, but guards in the Navy and Air Force would not be eligible.
3. Firemen in the Navy would be eligible but those in the Army and Air Force would not.

ADMINISTRATION OF THE ACT

As directed by section 404 of the act, the Bureau of the Budget prescribed initial rules and regulations on November 12, 1954, to provide for uniform administration of title IV thereof, which deals with the furnishing of uniforms and the payment of allowances. Among other things, the rules and regulations provide:

(*a*) That where the furnishing of uniforms or the payment of uniform allowances to certain employees is authorized under any other provision of law existing on September 1, 1954, the agency head, in his discretion, may continue to furnish such uniforms or to pay such allowances under the prior authorization, but in that case, no uniforms shall be furnished or allowances paid to the same employees under title IV.

(*b*) That each agency head shall review the regulations of his agency, existing on September 1, 1954, which require that a uniform be worn by any employee when on official duty, to determine whether it is in the best interest of the Government, and shall revoke any regulation deemed to be unnecessary or unjustifiable.

(*c*) That when the wearing of a uniform continues to be required by regulation or by law, the agency head shall determine, for each group of employees subject to the same uniform requirements, whether the best interests of the agency will be served by furnishing uniforms under title IV; by paying uniform allowances under title IV; or by continuing to furnish uniforms or to pay uniform allowances under prior authorization. In making such determinations, the agency head shall consider, with respect to the various alternatives, (1) the comparative cost to the Government, including administrative expenses; and (2) the comparative advantages to the employees. The course elected shall be justified in the agencies budget estimates.

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(*d*) That the authorization to furnish uniforms or to pay uniform allowances under title IV shall be put into effect for all eligible employees on the date that appropriations therefor are made available by Congress, and no benefits shall accrue prior to that date.

(*e*) That the annual period to which the $100 limitation per employee applies shall begin with the date on which the employee first becomes eligible.

(*f*) That in order that uniform allowances may, insofar as possible, approximate the actual expenses of employees for acquisition of uniforms, each agency shall develop standards for each group of employees subject to the same uniform requirements. Such standards (1) shall be based on a determination of the average annual uniform requirements of the employee and the current prices of the representative supplies; and (2) shall provide for an annual allowance of a definite sum, not exceeding $100, to each eligible employee. Prices on which the cost is based shall be reviewed annually, and the standards adjusted to reflect charges.

AGENCY REPORT

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., February 3, 1955.

Hon. RICHARD M. NIXON,
President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: Enclosed is a draft bill which would amend the Federal Employees Uniform Allowance Act (title IV of Public Law 763, 83d Cong.) to make its benefits potentially available to employees who may be required to wear uniforms under regulations issued after September 1, 1954. I respectfully urge early enactment of the proposed amendment.

Section 404 of Public Law 763 requires the Director of the Bureau of the Budget to promulgate such rules and regulations as may be necessary to provide for uniform administration of title IV. We find, however, that serious inequities among Federal employees will arise if benefits should be initiated under the existing provisions of the law governing eligibility.

Section 402 of the act authorizes appropriations, where necessary and desirable, to pay benefits not exceeding $100 per annum to any employee who is required by regulations "existing on the date of enactment" of the act or by law to wear a prescribed uniform when on official duty In some agencies, certain employees, such as guards, fire fighters, and nurses, wear uniforms solely as a matter of custom or tradition, or under oral instruction. Such employees are not eligible for benefits, whereas employees in the same occupations in other agencies are eligible because the wearing of uniforms is prescribed by regulations "existing on the date of enactment" of the act.

I believe the law should be amended to permit agency heads to issue regulations covering, for purposes of the act, employees in any occupations where the wearing of uniforms is deemed necessary and desirable

A more complete explanation of the need for the proposed amendment is enclosed Since Congress has not yet made appropriations available for paying benefits, prompt amendment of the act would avoid the inequities among uniformed employees which otherwise would arise when benefits are initiated.

Sincerely yours,

PERCIVAL BRUNDAGE,
Acting Director.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law in which no change is proposed is shown in roman, language deleted appears in black brackets):

SEC. 402. There is hereby authorized to be appropriated annually to each agency of the Government of the United States or of the District of Columbia (including Government-owned corporations), upon a showing of the necessity or desirability thereof an amount not to exceed $100 multiplied by the number of employees of such agency who are required by regulation [existing on the date of enactment of this Act] or by law to wear a prescribed uniform in the performance of his or her official duties and who are not being furnished with such uniform. The head of any agency to which any such appropriation is made shall, out of funds made available by such appropriation, (1) furnish to each such employee such uniform at a cost not to exceed $100 per annum, or (2) pay to each such employee an allowance for defraying the expenses of acquisition of such uniform at such times and in such amounts, not to exceed $100 per annum, as may be prescribed in accordance with rules and regulations promulgated pursuant to section 404. Where the furnishing of a uniform or the payment of a uniform allowance is authorized under any other provision of law or regulation existing on the date of enactment of this Act, the head of the agency may in his discretion continue the furnishing of such uniform or the payment of such allowance under such law or regulation, but where a uniform is furnished or allowance paid under any such law or regulation no uniform shall be furnished or allowance paid under this section.

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Calendar No. 228

84TH CONGRESS, 1st Session | SENATE | REPORT No. 223

QUITCLAIM DEED TO VINELAND SCHOOL DISTRICT, KERN COUNTY, CALIF.

APRIL 25, 1955.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany H. J. Res. 107]

The Committee on Agriculture and Forestry, to whom was referred the joint resolution (H. J. Res. 107) to permit the United States of America to release reversionary rights in a 36.759-acre tract to the Vineland School District of the county of Kern, State of California, having considered the same, report thereon with a recommendation that it do pass without amendment.

This joint resolution provides for release of the reversionary interest held by the United States in approximately 37 acres of land in Kern County, Calif., which was deeded to the Vineland School District in November 1947 for public school purposes. It is contemplated that the property will continue to be used for school purposes, but release of the reversionary interest is necessary to enable the school district to obtain a loan to improve and enlarge the school buildings now located on the tract.

The property was acquired and improved by the United States as part of the Arvin Farm Labor Supply Center with funds of the United States and funds held in trust for the California Rural Rehabilitation Corp. It was deeded to the school district under section 43 of the Bankhead-Jones Farm Tenant Act in 1947. Seven and one-half percent of the reversionary interest is held in trust by the United States for the State of California and the balance is held by the United States in its own right. The resolution provides for the consent of the California State Department of Agriculture.

This resolution is identical to House Joint Resolution 550, which was passed by the House of Representatives in the 83d Congress too late to be acted upon by the Senate. The report of the Department of Agriculture on House Joint Resolution 550 is attached.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 21, 1954.

Hon. CLIFFORD R. HOPE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR CONGRESSMAN HOPE: This will reply to your request of June 30, 1954, for a report on House Joint Resolution 550, a joint resolution to permit the United States of America to release reversionary rights in a 36.759-acre tract to the Vineland School District of the county of Kern, State of California.

This resolution, if enacted, would authorize release of the undivided interest in the reversionary rights held by the United States in its own right in the 36.759-acre tract deeded to the Vineland School District and, with the written consent of the director of the California State Department of Agriculture, the undivided interest in this property held by the United States as trustee of the assets of the California Rural Rehabilitation Corp. The release of the reversionary rights of the Government is necessary to enable the Vineland School District to obtain a loan to improve and enlarge the school buildings now located on the tract.

In the absence of the specific authorization embodied in House Joint Resolution 550, the Farmers' Home Administration is not legally empowered to effect a release of the reversionary interests in the 36.759 acres deeded to the Vineland School District. We understand that the purposes for which this property was originally granted have been, and apparently will continue to be, carried out after the Vineland School District secures a release of the reversionary rights to the United States of America.

This Department recommends that the bill be passed.

In view of the subsequent request we have not obtained advice from the Bureau of the Budget regarding the relationship of this proposed legislation to the program of the President.

Sincerely yours,

E. T. BENSON, *Secretary.*

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Calendar No. 229

84TH CONGRESS, 1st Session | SENATE | REPORT No. 224

BURLEY TOBACCO MARKETING CONTROL STUDY

APRIL 25, 1955.—Ordered to be printed

Mr. CLEMENTS, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. J. Res. 60]

The Committee on Agriculture and Forestry, to whom was referred the joint resolution (S. J. Res. 60) directing a study and report by the Secretary of Agriculture on burley tobacco marketing controls, having considered the same, report thereon with a recommendation that it do pass without amendment.

This joint resolution would direct the Secretary of Agriculture to make a study of various methods of marketing control for burley tobacco. At present we have a 3.5-year supply, whereas a 2.7-year supply is considered adequate. The Department of Agriculture's witness at joint hearings before subcommittees of the House and Senate Agriculture Committees advised that the Department is confronted with serious difficulties in maintaining supplies in line with demand under present legislation, and that there is a prospect of substantial losses to the Commodity Credit Corporation on the price-support program. Public Law 21 was enacted this Congress to tighten up the present program, but your committee feels that this may not be enough and that all possible programs should be thoroughly explored.

It should be pointed out that the resolution provides for a study only. Senator Scott, in particular, suggested that it be made clear that the committee's action in reporting out this resolution should not be construed as indicating that the committee favors poundage limitations or any other particular method of control. The report of the Department of Agriculture on the resolution is attached.

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Departmental Views

Department of Agriculture,
Washington 25, D C., April 21, 1955.

Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

Dear Senator Ellender: This acknowledges your letter of March 29, 1955, asking for the Department's views on Senate Joint Resolution 60. directing a study and report by the Secretary of Agriculture on burley tobacco marketing controls.

Favorable action is recommended on Senate Joint Resolution 60.

Experience gained from "poundage quota" operations under the Kerr-Smith Tobacco Act in 1934 and 1935 and under the Agricultural Adjustment Act of 1938 in that year provides some basis for evaluating a poundage versus an acreage allotment approach on tobacco marketing quotas. Administrative personnel of the Department have discussed the subject of "poundage quotas" with tobacco grower representatives on numerous occasions. and considerable thought has been given to the subject during recent months.

The drastic current situation on burley tobacco justifies a comprehensive exploration of all possible methods that might be employed to maintain supplies in line with demand. Different methods have been suggested from time to time by growers and others, some being use of poundage quotas or variations of poundage quotas, and some being combinations of poundage quotas and acreage allotments. It is felt that, whether or not a new-type program should result for burley tobacco, an exhaustive study and report as contemplated by Senate Joint Resolution 60 is highly in order and should be initiated at an early date.

Depending upon the nature of the study required to arrive at a satisfactory finding, a relatively small additional expenditure of funds would be necessary.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

True D. Morse,
Under Secretary.

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Calendar No. 230

84TH CONGRESS, 1st Session | SENATE | REPORT No. 225

NATIONAL MENTAL HEALTH WEEK

APRIL 25, 1955.—Ordered to be printed

Mr. HILL, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany S. Con. Res. 18]

The Committee on Labor and Public Welfare, to whom was referred the resolution (S. Con. Res. 18) calling upon the Congress to request the people of the United States to join and cooperate in the fight for the prevention, treatment, and cure of mental illness and to observe National Mental Health Week with appropriate ceremonies and activities, having considered the same report favorably thereon without amendment and recommend that the resolution do pass.

I. INTRODUCTION

The Subcommittee on Health of the Committee on Labor and Public Welfare has recently concluded a series of hearings dealing with various phases of the problem of mental illness. During those hearings numerous witnesses appeared and testified as to the shocking extent and appalling costs of that problem here in the United States. Their testimony brought out the fact that on each and every day of the year more than 700,000 mentally afflicted individuals are occupying beds in our hospitals and mental institutions. More than half of the hospital beds in the United States are now occupied by such patients. The cost of mental illness to the taxpayer has now reached the staggering total of $1 billion a year and is increasing at the rate of over $100 million a year.

Impressed by this testimony, your committee was pleased to receive Senate Concurrent Resolution 18, inasmuch as it provides the Congress with a vehicle through which to call this situation to the attention of the people of the United States and to request that they join in observing National Mental Health Week and in cooperating with those agencies, private organizations, and individual citizens who are actively attempting to prevent, to cope with, and to find solutions to the prob-

lem of mental illness. Therefore the committee, without exception, has recommended that the resolution be passed by the Congress.

II. CHANGES IN EXISTING LAW

Since the concurrent resolution merely expresses the sense of the Congress and calls upon the people to voluntarily join in promoting the objectives of National Mental Health Week, it involves no changes in existing law and consequently there is no need for compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate.

III

Senate Concurrent Resolution 18, which was sponsored by 62 Members of the Senate, reads as follows:

Whereas there is presently a great need for nationwide action for the prevention, treatment, and cure of mental illness; and

Whereas the National Association for Mental Health and the State and local mental health organizations associated therewith are working diligently in the fight against mental illness; and

Whereas the mental health fund is in dire need of public support in order to improve conditions in mental hospitals, provide more adequate treatment for the mentally and emotionally ill, carry on research in the field of the prevention, treatment, and cure of mental illness and promote mental health education; and

Whereas it is understood that the week beginning May 1, 1955, and ending May 7, 1955, will be observed as National Mental Health Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby requests the people of the United States to join and cooperate in the fight for the prevention, treatment, and cure of mental illness and to observe National Mental Health Week with appropriate ceremonies and activities.

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Calendar No. 231

84TH CONGRESS, 1st Session | SENATE | REPORT No. 226

NATIONAL HOSPITAL WEEK

APRIL 25, 1955.—Ordered to be printed

Mr. HILL, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany S. Con. Res. 23]

The Committee on Labor and Public Welfare, to whom was referred the resolution (S. Con. Res. 23) relating to the importance of hospitals and the appropriate observance of National Hospital Week, having considered the same report favorably thereon without amendment and recommend that the resolution do pass.

I. INTRODUCTION

Your Committee on Labor and Public Welfare has long been aware of the great contributions to the health of the American people which have been rendered by our fine hospital system. Much of that awareness has come from our constant review of the operations of the Hill-Burton Hospital Construction Act, through which the people of our local communities, States, and the Federal Government have worked together so effectively to the end that a network of hospitals in which the benefits of modern medical care could be provided would be accessible to all of our people, whether they are resident in our great cities or in any of the rural areas of America. Much of the success of that program can be attributed to the public's recognition of the important role which hospitals play in the lives of our communities and to the public's recognition of the great contributions to the health of the Nation made by those who serve in and direct our hospitals and our hospital associations. Therefore, believing that it is right and proper for the Congress to stimulate and to further spread such an awareness, your committee believes that the Congress, through the prompt enactment of Senate Concurrent Resolution 23, should request the people of the United States to join in the observance of National Hospital Week during the period beginning on May 8, 1955, and ending May 14, 1955.

II. CHANGES IN EXISTING LAW

Since the concurrent resolution merely expresses the sense of the Congress and calls upon the people to voluntarily join in promoting the objectives of National Hospital Week, it involves no changes in existing law and consequently there is no need for compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate.

III

Senate Concurrent Resolution 23 reads as follows:

Whereas our nation's hospitals are dedicated to the cause of protecting the lives and providing for the health needs of all our citizens; and

Whereas our national and state hospital associations have with diligence and unceasing efforts worked to provide the highest quality care for all Americans in the Nation's hospitals; and

Whereas the American hospitals are the centers of our community's health services to its citizens; and

Whereas national recognition of the importance of hospitals in the American community has been celebrated annually since 1921 on the anniversary of Florence Nightingale's birth; and

Whereas it is understood that the week beginning May 8, 1955, and ending May 14, 1955, will be observed as National Hospital Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby requests the people of the United States to join in proclaiming the importance of hospitals in the American community and their tradition of devoted service to the American people, and to cooperate in a voluntary effort to observe National Hospital Week with appropriate ceremonies and activities.

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Calendar No. 234

84TH CONGRESS, 1st Session | SENATE | REPORT No. 229

APPOINTMENT OF REPRESENTATIVES

APRIL 25, 1955.—Ordered to be printed

Mr. KEFAUVER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. J. Res. 8]

The Committee on the Judiciary, to which was referred the resolution (S. J. Res. 8) proposing an amendment to the Constitution of the United States to enable the Congress, in aid of the common defense, to function effectively in time of emergency or disaster, having considered the same, reports favorably thereon, with amendments, and recommends that the resolution, as amended, do pass.

AMENDMENTS

Strike all after the resolving clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, and shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"On any date that the total number of vacancies in the House of Representatives exceeds half of the authorized membership thereof, and for a period of sixty days thereafter, the executive authority of each State shall have power to make temporary appointments to fill any vacancies, including those happening during such period, in the representation from his State in the House of Representatives. Any person temporarily appointed to fill any such vacancy shall serve until the people fill the vacancy by election as provided for by Article I, section 2, of the Constitution."

Amend the title so as to read:

A bill to amend the Constitution to authorize governors to fill temporary vacancies in the House of Representatives.

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PURPOSE

The purpose of the proposed legislation, as amended, is to amend the Constitution to enable the executive authority of each State to make temporary appointments to fill vacancies in representation in the House of Representatives whenever such vacancies exceed half the authorized membership of that body.

STATEMENT

When the Constitution was drafted, the ability to destroy people on a mass basis by use of weapons of war had not been developed. It was, therefore, highly unlikely that the membership of the House of Representatives could be so decimated as to render that body incapable of exercising its constitutional functions. Indeed, the Founding Fathers had no basis on which to predicate any such assumption.

Regrettably, this is not the situation today. The Federal Administrator of Civil Defense has testified:

> Today, with the advent of the atomic bomb and similar devices, we know that vast areas can be devastated almost instantaneously. We also know that no system of defense is likely to be 100 percent effective. In other words, we realize that in any future war it is probable that the enemy would succeed in attacking our civilian communities.

This advance in the technique of destruction has necessitated a reexamination of the ability of our representative Government to function in time of national disaster. A brief review establishes that continuity of the Executive authority is protected by the act of June 25, 1948 (ch. 644, sec. 1, 62 Stat., p. 672), regulating presidential succession. As long as the House of Representatives is available to choose a Speaker, presidential succession can be maintained. The judiciary could be reconstituted fairly readily by appointments by the Chief Executive. Any vacancies in the Senate could be temporarily filled by appointments by the governors of the respective States. But in the House of Representatives, where revenue measures must originate, vacancies must be filled by special elections, and such elections may require a minimum lapse of 60 days.

Thus, as it stands today, the Constitution confers no authority on State governors to appoint Members to the House of Representatives. This inability to provide for continuity of representation offers no insurmountable difficulty in ordinary times. But in periods of national emergency or disaster, it could well paralyze the functioning of representative government. As the Administrator of Civil Defense has observed:

> It would be difficult to overestimate the importance of Congress continuing to function in time of national emergency. The functions of the Congress become ever more important under such circumstances. The ability of the Congress to act swiftly is essential to the successful defense of the Nation.

If a sufficient number of Representatives were killed by an atomic blast, through germ warfare, or in the course of violent attacks by irresponsible partisans, the House of Representatives would be compelled to function without a majority of its Members. In such an event, any Member might raise a point of order, suggesting the absence of a quorum. Precedents indicate that such a point of order would not be sustained. But even so, it is likely that in such times exceedingly important legislation would be adopted and any dis-

franchisement to a substantial portion of our Nation would represent a distinct loss.

It is true that the House of Representatives might, by amendment of its rules in advance, provide that a quorum should consist of a majority of the remaining Members whenever vacancies occur on a wholesale scale. Yet this change would not eliminate this danger entirely, for it is certainly possible that in an atomic attack, a sufficient number of Representatives would be incapacitated so that it might well prove incapable of mustering a quorum of the surviving Members.

This does not necessarily mean chaos in this country, for the Chief Executive would undoubtedly step into the breach and act without legislative sanction in the national interest as he perceived it at that time. However, there need be no departure from constitutional, representative government if precautionary steps are taken in advance of atomic catastrophe. This legislation represents such a precautionary step. It is not born of hysteria, but evolves from a desire to protect this Nation from undesirable consequences which may be occasioned by indifference to the dangers of the age in which we live.

The subject matter of this resolution has been considered by the Committee on the Judiciary since the 81st Congress. One such measure was reported to the Senate in the 83d Congress and passed by a vote of 70 yeas and 1 nay.

The text of the resolution has been amended by the committee to eliminate reference to a disaster. Certain problems arise if the power may be invoked only when there is a disaster which causes a given number of vacancies. For instance, the question quickly arises as to what officer of government is to proclaim the disaster and how is he to determine which of the vacancies were caused by the disaster. Those problems are not presented here, for under this resolution, the power which would be vested in the executive authority of each State is not predicated on any certification or proclamation. It is brought into being by an ascertainable fact, namely, the existence of 218 vacancies in the House of Representatives. In this manner, the amendment avoids the complications inherent in a proposal which requires that the vacancies must be caused by, or be the result of, a disaster. Yet there is no likelihood of abuse of this privilege for the very evidence of so many vacancies in the House of Representatives presupposes a disaster. Another complication which this concept avoids, and which must be reckoned with if the vacancies must be occasioned by a disaster, is the probability that appointments could not be made to fill vacancies created by natural causes either before or after the catastrophe.

The number of vacancies required by the amendment is substantial. The reason for this is apparent; having eliminated reference to a disaster the committee wanted to be sure that utilization of this authority would be sufficiently restricted, so that it would remain an emergency measure for the preservation and continuity of representative government. The maintenance of a large number of vacancies as a prerequisite to the use of the power, constitutes insurance that it will be used only in the event of a disaster.

The committee desires to stress that these appointments will be temporary appointments. Article I, section 2, of the Constitution requires that a governor issue writs of election when vacancies occur in the representation of his State in the House of Representatives.

This amendment, by specific reference, emphasizes this requirement, so that, in most cases, an appointee's term will be limited to from 60 to 90 days.

An analysis of the resolution will give some idea of its operation. Under the terms of the resolution, the power to appoint Representatives occurs only when the vacancies in the House of Representatives exceeds one half of the authorized membership. The present membership of the House being 435, 218 vacancies would have to exist before this extraordinary power could be invoked. The number of vacancies could exist for several days but as appointments are made by the governors pursuant to this amendment, the number of vacancies naturally will diminish. On the date that the vacancies total less than 218, the time limit on this power begins to run. From that date, by the terms of the amendment, the governors have 60 days within which to make the temporary appointment or the authority lapses and the office must be filled by election. If, within the 60-day period, additional vacancies arise from any cause, they also may be filled by gubernatorial appointment. Also, if for some reason, the number of vacancies having dropped below 218, rises again above that figure, the power to appoint again comes into existence.

These interpretations of the amendment are given by way of explanation not in anticipation of difficulties in operation. Should unforeseen difficulties arise as the result of this grant of authority, the House of Representatives would act as final arbiter by reason of its constitutional authority to be the judge of the qualifications of its own members (art. 1, sec. 5, of the Constitution).

The proposal embodied in this resolution has the approval of the Office of Defense Mobilization, the Federal Civil Defense Administration, and the Bureau of the Budget.

In addition, the committee submitted the resolution in its original form to each of the governors of the 48 States for comment. Replies from 19 of those governors indicate endorsement of the purpose of the proposal. These endorsements, plus the detailed views of the executive agencies, appear in the printed hearings conducted on this resolution.

Naturally it is the fervent hope of the committee that the authority granted in this resolution need never be used. However, with some knowledge of the tremendous destructive power of thermonuclear weapons, it would be the height of folly to leave a constitutional gap of this nature in a representative government such as ours. When whole cities may be obliterated in a split second, the Congress cannot ignore, should it have any inclination to do so, the realities of this danger. The time for action to erase a defect in our Constitution, which could not have been contemplated at the time of its adoption, is at hand. To delay further is to invite disorder and possibly disaster. It is pertinent to recall that, as a constitutional amendment, this measure must secure the approval of two-thirds of both Houses of Congress and the ratification by the legislatures of three-fourths of the several States. Since this action is somewhat time-consuming and time is of the essence here, the committee believes that this legislation should be approved promptly by the Senate, and the committee so recommends.

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84TH CONGRESS
1st Session

SENATE

REPORT
No. 230

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

REPORT

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

MADE BY ITS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

APRIL 25, 1955.—Ordered to be printed

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ORGANIZATION OF PERMANENT SUBCOMMITTEE ON INVESTIGATIONS DURING 83D CONGRESS, 2D SESSION

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The Democratic members of the Senate Permanent Subcommittee on Investigations were absent from the subcommittee from July 10, 1953, to January 25, 1954. As a vast preponderance of the work and hearings on alleged Communist infiltration in the Army Signal Corps took place during that period of time, we cannot accept either the credit or responsibility for this report.

JOHN L. MCCLELLAN.
HENRY M. JACKSON.
STUART SYMINGTON.

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84TH CONGRESS } SENATE { REPORT
1st Session } { No. 230

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

APRIL 25, 1955.—Ordered to be printed

Mr. MCCARTHY, from the Committee on Government Operations, submitted the following

REPORT

MADE BY ITS PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

(This report was prepared for the period of the 83d Cong., 2d sess., under the chairmanship of Senator Joe McCarthy)

INTRODUCTION

Pursuant to Senate Resolution 40 and Senate Resolution 189, 83d Congress, 1st and 2d sessions, the Senate Permanent Subcommittee on Investigations conducted extensive hearings into the subject of subversion and espionage in the Army Signal Corps and related installations doing classified work for the Army Signal Corps.

Early in 1953 the subcommittee received detailed information concerning infiltration of the Army Signal Corps by individuals with subversive backgrounds. The chairman was furnished with a condensation of a report containing the names of 34 individuals. It revealed that subversion and possible espionage existed at the secret radar laboratories at Fort Monmouth, N. J. The subcommittee also learned that as early as 1949 and through April 1953 the Federal Bureau of Investigation had repeatedly called to the attention of Army Intelligence information concerning subversives in the Army Signal Corps. These repeated warnings were neglected and, as a result, individuals with subversive backgrounds who were possibly engaged in espionage were permitted to remain as employees in highly sensitive installations doing work of a classified nature for the Army Signal Corps.

In the interest of national security, an investigation was initiated by the subcommittee to determine whether espionage existed; whether security risks were employed in the Army Signal Corps and related installations; whether proper security regulations were in effect; whether proper action toward individuals with subversive affiliations was being taken by Army officials; and the extent of Communist penetration of these strategic radar facilities.

Throughout the inquiry the subcommittee realized that it was dealing with establishments performing work of an extremely sensitive nature, vital to the national security. Every consideration was given to the fact that the Army Signal Corps was engaged in highly secret

research and development and in the production of critical material and equipment, the nature of which could not be disclosed.

The extent of subversive infiltration into the Army Signal Corps was revealed by the Department of the Army when it announced that since the subcommittee started its investigation a total of eight individuals were discharged from Fort Monmouth after hearings on charges before Army loyalty boards. Three additional Fort Monmouth employees who had been suspended resigned.[1]

The subcommittee alerted the American people to the serious conditions which have existed in the Army Signal Corps for many years. It was only after our investigation had commenced that 35 individuals were suspended on security grounds from Fort Monmouth. It is most significant that of these 35, 8 have been discharged and 3 have resigned.[2]

Scope of Investigation

The Army Signal Corps has a major responsibility for research and development in the radar field.[3] Radar makes it possible to detect, among other things, the approach and the actual location of various types of objects such as aircraft, ships, submarines, missiles, and targets. Within the Army Signal Corps the principal research and development agency is the Signal Corps' engineering laboratories with headquarters at Fort Monmouth where there are four separate laboratories: Coles, Squier, Watson, and Evans.[4] In addition, a considerable amount of highly classified work is performed for the Army Signal Corps by commercial laboratories, such as the Bendix Aviation Co., Emerson Radio Co., Sperry Gyroscope Co., Radio Corporation of America, General Electric Co., Federal Telecommunication Laboratories, and the Arma Corp.[5]

Executive hearings commenced in August 1953 and continued to March 1954. A total of 126 witnesses were heard in executive hearings. Forty-one of these invoked the protection of the fifth amendment when interrogated about subversive activities. Over 200 staff interviews were conducted. The initial public testimony was taken on October 22, 1953, continuing to March 1954. A total of 39 witnesses were heard in public session. Twenty-six of these invoked the protection of the fifth amendment on questions relating to subversive activity, some as to communism, some as to espionage.

Communist Infiltration and Subversion in the Army Signal Corps

It was established during the investigation that the Rosenberg spy ring took and obtained secrets from the Army Signal Corps and transmitted them to Russia.[6] Julius Rosenberg and his wife, Ethel Greenglass Rosenberg, were convicted and executed for conspiracy to commit espionage. Rosenberg successfully used Signal Corps contacts in attempts to obtain contracts for two companies with which he was

[1] Memorandum, Department of the Army, Office of the Chief of Legislative Liaison, to James N. Juliana, acting executive director, Senate Permanent Subcommittee on Investigations, December 22, 1954.
[2] Ibid.
[3] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 1, p. 14.
[4] Ibid., pt. 1, p. 14 (Watson added).
[5] Ibid., pt. 1, pp. 14–15.
[6] Ibid., pt. 1, pp. 19–22.

associated. He made frequent trips to Signal Corps officials in Philadelphia for the dual purpose of obtaining these contracts and seeing his espionage contacts. While Rosenberg was employed at the Army Signal Corps installation at the Emerson Radio Co. he stole the proximity fuse and handed it over to a Russian agent.[7]

A member of the Rosenberg spy ring who had been employed by the Army Signal Corps was Joel Barr. He worked at the secret radar laboratories at Fort Monmouth and later at the Sperry Gyroscope Co.[8] Barr has fled the United States and is reported to be living behind the Iron Curtain.

Another member of the Rosenberg spy ring and a close Barr associate was Vivian Glassman.[9] Vivian Glassman is the wife of Ernest Pataki, a former employee of the Federal Telecommunication Laboratories, who was identified as a member of the secret Communist Party cell which operated at the Laboratories.[10]

Alfred Sarant was employed at Fort Monmouth in the early 1940's at the same time that Julius Rosenberg was employed there. Sarant, identified as a member of the Rosenberg spy apparatus, has fled the country and, like Barr, is reported to be living behind the Iron Curtain.

Morton Sobell, another member of the Rosenberg ring, is serving a 30-year prison sentence for conspiracy to commit espionage. He was formerly employed by the Reeves Instrument Corp., which was engaged in classified work for the Army Signal Corps.

It was determined that the operation of the Rosenberg spy ring, which had as its purpose the obtaining of radar secrets for Russia, never stopped and could possibly be continuing to this very day.[11]

In 1940 Julius Rosenberg became a technician for the Army Signal Corp and held that position for 5 years.[12] He was also an inspector and as such had access to Army Signal Corps installations, including Fort Monmouth.

David Greenglass, a member of the Rosenberg conspiracy, was interviewed by members of the subcommittee staff at the United States Penitentiary, Lewisburg, Pa.[13] As a result of his participation in the Rosenberg atomic-espionage ring, Greenglass was convicted of conspiracy to commit espionage and is now serving 15 years.[14] He confessed his guilt and testified in behalf of the United States Government. His testimony aided in the conviction of Julius Rosenberg and of Ethel Greenglass Rosenberg, his sister.

An affidavit and interrogatory obtained from Greenglass by the staff on November 24, 1953, was read into the record. The interrogatory reads in part as follows:

Q. Did you yourself give atomic secrets to Rosenberg and to Harry Gold for transmission to Russia?

A. Yes, when I was stationed at Los Alamos at the atomic-bomb project, I passed sketches and other information on the bomb to Rosenberg and to Gold at their request.[15]

* * * * * * *

A. Rosenberg and I went into the metal-goods manufacturing business together in New York in 1946. While we were together, Rosenberg told me certain things

[7] Ibid., pt. 1, pp. 20–21.
[8] Ibid., pt. 1, p. 21.
[9] Ibid., pt. 1, p. 22.
[10] Ibid., pt. 10, p. 411.
[11] Ibid., pt. 1, p. 21.
[12] Ibid., pt. 1, p. 16.
[13] Ibid., pt. 1, pp. 19–22
[14] Ibid., pt. 1, pp. 19–20
[15] Ibid., pt. 1, p. 20.

about the secrets and material they stole for Russia. Also around the period after Harry Gold's arrest, when Rosenberg was trying to get me to leave the United States and go to Russia, I found out more from him about those involved in the ring.

Q. Did you learn if there was espionage in the Army Signal Corps?

A. Yes; I learned that there was espionage in the Army Signal Corps. I learned that the Rosenberg ring took and obtained secrets from the Army Signal Corps and transmitted them to Russia.[16]

Q. Will you give us some of the details concerning your knowledge of espionage in the Signal Corps?—A. Yes. Rosenberg told me that the Russians had a very small and a very poor electronics industry (this is, of course, another name for the radar industry) and that it was of the utmost importance that information of an electronics nature be obtained and gotten to him. Things like electronics valves (vacuum tubes), capacitors, transformers, and various other electronic and radio components were some of the things he was interested in.

Rosenberg also told me that he gave all of the tube manuals he could get his hands on to Russia, some of which were classified "top secret."

About 1947, at a time when it was a top United States scientific secret, Julius Rosenberg told me about information he had obtained from a friend relating to a thinking machine which would send out interceptor guided missiles to knock out an enemy's guided missiles which had been detected by our radar and its course predicted by our thinking machines. Rosenberg was discussing this information with me, as I said before, when it was a top American scientific secret.

Of course, it must be remembered that Rosenberg was employed by the Signal Corps during World War II and worked at Fort Monmouth and at other places which were working on prime or subcontracts for the Signal Corps such as the Emerson Radio Corp. At one time, too, Rosenberg was an inspector for the Signal Corps.

After the war when Rosenberg and I were in business together in New York, Rosenberg used his Signal Corps contacts in attempts to obtain contracts for Pitt Machine Products and the G. & R. Engineering Co.[16a]

As a matter of fact, Julius made a number of trips to Signal Corps officials in Philadelphia for this purpose.

Once when I questioned Julius about the necessity of the frequent Philadelphia trips, he answered that not only were the trips necessary for company business but also because he had to see his espionage contacts.

I also recall that in New York City there was a purchasing agent in the Air Corps whom Julius had met in the Signal Corps sometime earlier when both were with the Signal Corps. Julius was in contact with this individual and went to see him regularly.

Q. Did Rosenberg tell you anything about working on the proximity fuse while he was at the Signal Corps installation at Emerson?

A. Yes. Rosenberg told me that while he was employed for the Signal Corps at Emerson he stole the proximity fuse and gave it to the Russians.[17]

* * * * * * *

Q. Would you give us details on what you know about the others?

A. Yes. There was Joel Barr. He worked out at Fort Monmouth with the Signal Corps and later he worked with Sperry Gyroscope in Lake Success, N. Y. Julius, at this time, was trying to get me to leave the country, hoping that I would not be caught and thereby expose the spy ring. When I differed with Julius on the method of leaving the country, he said that I should leave via the port of New York, taking a steamship to France.

When I remonstrated with Rosenberg saying that this was not a very good method since I would be under the eye of the FBI and the State Department, Julius said that more important people than I had left by this route. When I asked who they were, Julius said, "Joel Barr, for one." Julius had told me that Barr was one of those who had given him information on electronic apparatus. Rosenberg then mentioned that he had gotten the information on the thinking machines from Barr.[18]

* * * * * * *

Q. When did the operation of the Rosenberg ring which had as its purpose the obtaining of radar secrets for Russia stop?

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[16] Ibid., pt. 1, p. 20

[16a] Pitt Machine Products and the G. & R. Engineering Co. were operated by Julius Rosenberg and David Greenglass.

[17] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 1, pp. 20–26.

[18] Ibid., pt. 1, p. 21.

A. As far as I know these operations never stopped and could very possibly be continuing to this very day. When I was with the Arma Co. during 1949 and 1950, working in their research and development department on various fire control, gyroscopic, and radar apparatus, Julius asked me to obtain information on the projects upon which I was working. I refused.[19]

* * * * * * *

Q. Did you believe Vivian Glassman to be a member of the Rosenberg spy ring?

A. After Julius Rosenberg told me about Joel Barr, I knowing about the relationship between Joel Barr and Vivian Glassman, came to the conclusion that Vivian Glassman was involved in some way.[20]

Investigation proved that there had been a very active Communist Party cell at the Federal Telecommunication Laboratories, Nutley, N. J. The laboratories had and have highly classified contracts with the Army Signal Corps. It was established that at least one of the members of this cell had been in close contact with individuals since proved to have been involved in the Rosenberg espionage ring.

Peter Gragis, a former member of the Communist Party, testified that he was employed at Federal Telecommunication Laboratories from 1945 to 1950 and that he worked on the top secret[21] Mark V Project.[22] He identified the following former or then current employees of the laboratories as members of the secret Communist Party cell which operated there: Harry Hyman, Ernest Pataki, Frank Mason McGee, Ruth Weiner Levine, John Saunders, Leo Kantrowitz, Albert Shadowitz, and Harriman Dash.[23]

John Saunders, an employee of Federal Telecommunication Laboratories, corroborated the Gragis testimony when he also identified the following as members of the secret cell at the laboratories: Albert Shadowitz, Ruth Weiner Levine, Leo Kantrowitz, Peter Gragis, Ernest Pataki, Harriman Dash, and Harry Hyman.[24]

Gragis also identified Harry Hyman as a very active member of the Communist Party. He said that Hyman, more than any other individual, established the Communist cell at Federal Telecommunication Laboratories.[25] At cell meetings basic Communist propaganda was discussed, and the Daily Worker, official Communist Party newspaper, was distributed by Harry Hyman.[26]

Frank Mason McGee was the cell educator and led in the discussion of Communist literature. He used as a text Lenin's State and Revolution.[27]

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[19] Ibid., pt. 1, p. 21.
[20] Ibid., pt. 1, p. 22.
[21] "CLASSIFICATION CATEGORIES.
"Official information originating in the Office of the Secretary of Defense which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: TOP SECRET, SECRET, or CONFIDENTIAL. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute.
"(a) *Top Secret.*
"The use of the classification TOP SECRET shall be limited to defense information or material which requires the highest degree of protection. The TOP SECRET classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as:
"(1) Leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its Allies, a war, or
"(2) The compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."
See Administrative Instruction No. 8 (Revised), Office of the Secretary of Defense, Security Instructions, July 1954.
[22] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 9, p. 380.
[23] Ibid., pt. 9, pp. 378, 379, and pt. 10, pp. 411, 412, 427, and 434.
[24] Ibid., pt. 10, p. 463.
[25] Ibid., pt. 9, p. 378.
[26] Ibid., pt. 9, p. 379.
[27] Ibid., pt. 9, p. 379.

John Saunders testified that Harry Hyman recruited him into the Communist cell at Federal Telecommunication Laboratories and that he issued to him a Communist Party membership card.[28] He was delegated by Hyman to collect Communist Party dues from other members of the cell.[29] Some of the cell meetings were held at the home of Ernest Pataki.[30] Suggestions were made to Saunders by members of the cell that he further his Communist education by attending the Jefferson School of Social Science [31] and by subscribing to the Daily Worker.[32]

Investigation developed that the Communist Party organized the Shore Branch, also referred to as the Shore Club of the Communist Party, in Monmouth County, N. J., for the specific purpose of infiltrating the secret Army Signal Corps Laboratories at Fort Monmouth. Louis Kaplan, Joseph Percoff, and Marcell Ullmann, all former Fort Monmouth employees, were subpenaed in connection with the subcommittee's inquiry into the activities of the Shore Branch. All three invoked the privilege of the fifth amendment concerning their activities with this Communist organization.

The importance of the work being handled by the Army Signal Corps to the security of the United States is best illustrated by the following testimony of Col. Walter Edward Lotz, Jr., Engineering and Technical Division of the Chief Signal Officer, Washington, D. C.:

Colonel LOTZ. The Signal Corps has responsibilities within the Department of the Army for the fields of wire and radio communication, for television, for sound and light, for photography and meteorology, and for some phases of radar.

Now, by that last statement I mean that during World War II the Signal Corps had responsibility for all phases of radar, but in about 1945 the responsibility for radar equipments peculiar to the Air Forces, such as airborne radar components, and early warning radar equipments for air defense purposes—the responsibilities for these equipments were passed to the then Army Air Corps.

In 1946 and thereafter, certain other phases of radar, including the radar equipments which are an integral part of fire-control systems and radar equipments for guided missiles, were passed in responsibility to other Army agencies.

Mr. COHN. Is the Signal Corps responsible for research and development in the radar field?

Colonel LOTZ. Yes, sir, they are, within the fields that I mentioned.

Mr. COHN. I would like to ask you this, Colonel—I think it will be important for the future evidence which will develop: Without revealing any classified information, could you give us a brief explanation of the purposes for which radar is used?

Colonel LOTZ. Yes, sir. The name "radar" is derived from an abbreviation of radio detection and ranging. Now, with radar equipment we are able to detect the presence of and location of certain types of objects. Radar is used to detect the approach of and the actual location of various types of hostile targets.[33]

Testimony clearly established that officials of the Army Signal Corps, and in particular the command at Fort Monmouth, were, over

[28] Ibid., pt. 7, p. 293.
[29] Ibid., pt. 10, p. 466.
[30] Ibid., pt. 10, p. 464.
[31] "JEFFERSON SCHOOL OF SOCIAL SCIENCE, New York, N. Y.
"1. Cited as an 'adjunct of the Communist Party.' (Attorney General Tom Clark, letter to Loyalty Review Board released December 4, 1947.)
"2. 'At the beginning of the present year, the old Communist Party Workers School and the School for Democracy were merged into the Jefferson School of Social Science.' (Special Committee on Un-American Activities, report, March 29, 1944, p. 150.)
"3. 'This Communist school * * * opened its first term in February of 1944 at 575 Sixth Avenue (New York City) * * * the result of * * * a merger of the Workers School and the School for Democracy.' (California Committee on Un-American Activities, report, 1948, pp 269 and 270.)"
See Guide to Subversive Organizations and Publications, p. 67, prepared and released by the Committee on Un-American Activities, U. S. House of Representatives, Washington, D. C., May 14, 1951.
[32] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 10, p. 468.
[33] Ibid., pt. 1, p. 14.

the past 10 years or more, advised that employees at the Army Signal Corps Laboratories had subversive backgrounds, but that no final action was taken in many cases. Andrew J. Reid, Chief Agent, Army Intelligence, Fort Monmouth, for almost 13 years, proved this point.

The CHAIRMAN. You have been the security officer at Fort Monmouth for how many years now?

Mr. REID. About 12½ years, sir. Change it from security to intelligence.

The CHAIRMAN. I may say, for your benefit, to keep the record clear, so this will not appear as an attempt to criticize you, I think the files indicate that you and the FBI have done a good job, the fault is not at your level, it is at the level of those who refuse to recognize the material that you dig up.

Can I ask you this question: Over that 13-year period of time have you repeatedly furnished information on individuals whom you considered very dangerous to the security of this country and discovered that they were kept on there year after year even after you had supplied the complete facts on them?

Mr. REID. Yes, sir.[34]

Maj. Gen. Kirke B. Lawton, commanding general, Army Signal Corps, Fort Monmouth, assisted the investigation in every way possible without violating the Army's security provisions. General Lawton has had a long, distinguished, and honorable career as an Army officer covering a period of 37 years. He served as Deputy Signal Officer, Office of the Chief Signal Officer, Department of the Army, Washington, D. C.

General Lawton testified before the subcommittee in executive session on October 14, 1953, and a part of his testimony was subsequently made public.

The CHAIRMAN. Let me see if we can ask some questions that will not put you on the spot as far as violating the regulations is concerned. Can we phrase the question this way: Would you say that since you have taken over, and especially over the past 6 months, you have been working to get rid of the accumulation of security risks in the Signal Corps and that you have suspended a sizable number, and you are working toward getting rid of all of those that you now consider loyalty or security risks? Would that be a safe statement?

General LAWTON. That is a question I will answer "yes," but don't go back 6 months. Let us go back—effective results have been in the offing in the last 2 weeks. I have been working for the last 21 months trying to accomplish what is being accomplished in the last 2 weeks.

The CHAIRMAN. I think that covers that. So that you would say that in the past several weeks you are getting some effective results?

General LAWTON. Absolutely, that we have not gotten for the last 4 years.

The CHAIRMAN. And you have the complete cooperation of the Secretary of the Army in this, I understand?

General LAWTON. Absolutely, and things are moving.

The CHAIRMAN. Could you tell us why it is only in the last 2 or 3 weeks that you are getting these effective results?

General LAWTON. Yes, but I had better not. I know this so well, but I am working for Mr. [Robert T.] Stevens [the Secretary of the Army].[35]

RÉSUMÉ OF INDIVIDUAL CASES

Investigation proved that employees at the secret radar laboratories, Fort Monmouth, and related commercial establishments were closely associated with members of the Rosenberg spy ring and that there was an active Communist Party cell operating at the Federal Telecommunication Laboratories where highly classified Signal Corps work was being performed. Numerous witnesses who were present or former employees of the Army Signal Corps or related strategic commercial firms testified before the subcommittee and invoked the fifth amendment.

[34] Ibid., pt. 2, p. 77.

[35] Public hearings, Special Senate Investigation on Charges and Countercharges Involving: Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel, and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr, pt. 48, p. 1606.

The individual cases which follow are included in this report to prove that such conditions prevailed and to prove that Communist infiltration and subversion existed in the Army Signal Corps and related defense establishments.

AARON HYMAN COLEMAN

When he appeared, Aaron Coleman had been employed at Fort Monmouth for approximately 15 years and had been Chief of the Systems Section, during which time he had access to secret [36] information and materials.[37]

Coleman was responsible for planning, organizing, directing, coordinating, and programing the work of a large organizational segment engaged in the research, development, design, and construction of large scale antiaircraft systems for employment by the Army all over the world. The dollar value of the internal and external efforts on these systems was approximately $32 million for the fiscal years 1946 to 1953, inclusive.[38]

Early in the investigation, staff members physically inspected Coleman's Army personnel file at Fort Monmouth and found that in 1946 Coleman was charged with having 43 classified documents belonging to the Army Signal Corps in his apartment. Coleman was suspended for 10 days for this security violation.[39] Nevertheless, he was later promoted to chief of one of the most important radar sections at Fort Monmouth.

The staff made a verbatim copy of some documents which appeared in Coleman's Army personnel file relating to the 43 classified documents. Subsequently the Army agreed to make a photostatic copy of the complete file available to the subcommittee. Upon receipt of what purported to be photostats of the entire Coleman file, it was discovered that the Army had removed certain documents.[40]

Andrew J. Reid, Chief Agent, Army Intelligence, Fort Monmouth, declared that the work going on at the Army Signal Corps at Fort Monmouth was of an extremely sensitive nature, vital to the security of the United States.[41] He stated that it could be extremely serious if any part of the work was carelessly handled and was allowed to fall into enemy hands.

Reid testified that in September 1946, Coleman was stopped at the gate of Fort Monmouth's secret radar laboratories and was found to have classified documents in his possession. Reid testified:

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[36] "CLASSIFICATION CATEGORIES.

"Official information originating in the Office of the Secretary of Defense which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: TOP SECRET, SECRET, or CONFIDENTIAL. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute.

* * * * * * *

"(b) *Secret.*

"The use of the classification SECRET shall be limited to defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as:

"(1) Jeopardizing the international relations of the United States.

"(2) Endangering the effectiveness of a program or policy of vital importance to the national defense.

"(3) Compromising important military or defense plans, scientific or technological developments important to national defense.

"(4) Revealing important intelligence operations."

(See Administrative Instruction No. 8 (Revised), Office of the Secretary of Defense, Security Instructions, July 1954.)

[37] Public hearings, Army Signal Corps—Subversion and Espionage, pt. 1, pp. 52–53.

[38] Ibid., pt. 1, p. 52.

[39] Ibid., pt. 2, p. 73.

[40] Public hearings, Special Senate Investigation on Charges and Countercharges Involving: Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr, pt. 18, pp. 688–689, 698.

[41] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 2, p. 70.

Well, I specifically asked him the same question three times, and the first time he denied having any documents in his home; * * * the second time I asked him, he said "Maybe," and the third time I asked Mr. Coleman, he said, "Yes." [42]

After finally admitting that he had classified documents in his apartment Coleman consented to a search of his apartment by Army Intelligence, but only after he was advised that if he did not consent a search warrant would be obtained. Two Army Intelligence agents searched Coleman's home and found over 40 classified documents.[43]

Mr. COHN. Now, Mr. Reid, was the apartment of Mr. Coleman, or the home of Mr. Coleman, searched by some of your agents?

Mr. REID. Yes, sir, two agents.

Mr. COHN. What did they find?

Mr. REID. They found numerous documents, in excess of 40. I am not sure just the exact number, but it was over 40 documents, some of them were classified secret; some confidential; and some restricted; and some unclassified. And the exact number of each classification, I do not know.

Reid agreed that this was the most serious breach of security he had encountered during almost 13 years as Chief Agent, Army Intelligence, Fort Monmouth. [44]

Coleman was one of the most uncooperative and evasive witnesses ever to appear before this subcommittee. He rarely gave a direct answer and often pretended lack of memory. As one example, the following testimony is cited:

The CHAIRMAN. Was there an occasion on which you were going out the gate [at Fort Monmouth] with classified material under your coat?

Mr. COLEMAN. *I have no recollection.*

The CHAIRMAN. And the material dropped on the ground and the guard then took you to Mr. Reid's office? Did that happen?

Mr. COLEMAN. *I have no recollection* of such an incident.

The CHAIRMAN. If it did happen, you would remember it, would you not?

Mr. COLEMAN. *I think so.*

The CHAIRMAN. Do you think so? It would not be an everyday occurrence if you were carrying classified material from a secret radar laboratory, under your coat, and it dropped out and the guard witnessed the event and picked you up? You would not forget that, would you?

Mr. COLEMAN. *I do not think I would*, no.

The CHAIRMAN. You do not think you would?

Mr. COLEMAN. *I do not think so.*

The CHAIRMAN. Do you at this time, is there any doubt in your mind?

Mr. COLEMAN. *I am not sure I understand.* Doubt about what? [Emphasis added.] [45]

Coleman admitted that the classified documents which he had in his apartment gave a picture of this country's wartime ground radar; [46] that his roommate, Jack Okun, had access to these classified documents; [47] that Okun was suspended from Fort Monmouth on loyalty grounds in 1949, was later reinstated but resigned thereafter.[48]

Coleman attended a meeting of the Young Communist League with Julius Rosenberg.[49]

Mr. COHN. Did you ever attend any meetings of the Young Communist League with Julius Rosenberg?

Mr. COLEMAN. Yes, sir.

Mr. COHN. When?

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[42] Ibid., pt. 2, pp. 71–72.
[43] Ibid., pt. 2, p. 72.
[44] Ibid., pt. 2, pp. 72–73.
[45] Ibid., pt. 2, pp. 78–79.
[46] Ibid., pt. 2, p. 86.
[47] Ibid., pt. 2, p. 87.
[48] Ibid., pt. 2, p. 87.
[49] Ibid., pt. 2, p. 89.

Mr. COLEMAN. One meeting in 1937, about 1937.
Mr. COHN. Who took you to that meeting of the Young Communist League?
Mr. COLEMAN. Rosenberg.

Coleman appeared on two occasions in executive session and denied membership in the Young Communist League. When later questioned in public session he testified as follows:

Mr. COHN. And you were telling us the truth when you said you were never a member of the Young Communist League?
Mr. COLEMAN. Yes, sir.[50]

Nathan Sussman, a member of the Communist Party from 1935 to 1940 and from 1942 to 1945,[51] has cooperated with the Federal Bureau of Investigation and other governmental agencies. Sussman, a member of the Young Communist League from 1935 to 1938, while a student at the College of the City of New York,[52] testified that fellow students Aaron Coleman, Julius Rosenberg, Morton Sobell, Joel Barr, Henry Nathan Shoiket, and Morris Savitsky (Savitt) were also members of the Young Communist League at that time.[53]

Coleman testified that he never saw Julius Rosenberg after leaving the College of the City of New York, and that he never learned that Rosenberg was working for the Signal Corps.[54] During his public testimony reference was made to Coleman's executive session testimony. That testimony reads in part as follows:

Mr. COHN. Let me ask you this: Did you see Julius Rosenberg at all after you left college?
Mr. COLEMAN. No, sir, I have never seen him or heard from him, or corresponded with him.
Mr. COHN. Did you see him after you attended that Young Communist League meeting with him?
Mr. COLEMAN. I believe I did, in my class.
The CHAIRMAN. When did you say you first went to the Signal Corps?
Mr. COLEMAN. In March of 1939.
The CHAIRMAN. March of 1939?
Mr. COLEMAN. Yes, sir.
The CHAIRMAN. You knew Rosenberg was working there in the early 1940's, did you?
Mr. COLEMAN. I did not, no, sir.
The CHAIRMAN. Did you ever learn Rosenberg was working for the Signal Corps?
Mr. COLEMAN. No, sir, I did not.

Coleman's testimony is in complete contradiction to the testimony of Julius Rosenberg taken during the trial at which Rosenberg was convicted of conspiracy to commit espionage. Rosenberg's testimony reads in part as follows:

Q. And can you give us now the names of some other classmates of yours with whom you had either social or business relations after your graduation?
A. Well, there were people who were in my squad in the electrical engineering courses, Mr. Aaron Coleman who subsequent to graduation I met at Fort Monmouth when I was assigned there.[55]

Coleman admitted that he met Morton Sobell after leaving college.[56] Sobell, a member of the Rosenberg spy ring, was convicted of conspiracy to commit espionage and is now serving 30 years at the United States penitentiary, Alcatraz.[57] As late as 1947, Sobell listed Coleman

[50] Ibid., pt. 1, p. 54.
[51] Ibid., pt. 1, p. 57.
[52] Ibid., pt. 1, p. 57.
[53] Ibid., pt. 1, pp. 57, 58, 59.
[54] Ibid., pt. 1, p. 55.
[55] Ibid., pt. 1, p. 61.
[56] Ibid., pt. 2, pp. 88–89.
[57] Ibid., pt. 1, p. 59.

as 1 of 3 personal references for employment on classified Government work.[58] A security questionnaire furnished to Coleman by the First Army relating to Sobell was completed by Coleman in a manner completely favorable to Sobell.[59]

Coleman testified that while working for the Army Signal Corps at the Evans Signal Laboratory, Fort Monmouth, he had secret clearance which gave him access to highly classified information.[60]

At the time of the Rosenberg spy trial, Coleman was interviewed by the Federal Bureau of Investigation.[61] According to his own testimony, Coleman did not give the Federal Bureau of Investigation the full story about Rosenberg's Communist activities.[62] Coleman stated that he did not know whether it was important to tell the Federal Bureau of Investigation that Rosenberg had been a member of the Young Communist League even though he had read of Rosenberg's arrest in newspapers.[63]

Fred Joseph Kitty, who had been a member of the Young Communist League from 1938 to 1941 while a student at Cooper Union, New York City,[64] testified that he had been employed by the Evans Laboratory, Fort Monmouth, from 1942 until 1945 and while there had access to classified Government material.[65]

His supervisor at Fort Monmouth had been Aaron Coleman.[66] While Coleman was in the United States Marine Corps on leave from Fort Monmouth, Kitty, at Coleman's request, mailed classified material to him.

Mr. COHN. Now, Mr. Kitty, did Coleman ever directly or indirectly ask you to take radar material and classified material from the Evans Signal Laboratory and send it to him when he was not with the Evans Signal Laboratory?

Mr. KITTY. Yes; he did.

Mr. COHN. Did he ever ask you that directly?

Mr. KITTY. I don't recall whether he asked me directly in a conversation; to the best of my recollection it is that he made a request through correspondence and possibly through Mr. Okun, a mutual acquaintance.

* * * * * * *

Mr. COHN. Now, as a result of these requests, did you take any classified material from Evans Signal Laboratory and send it to Mr. Coleman?

Mr. KITTY. Yes, sir; I did.

Mr. COHN. Did you send any of it to him directly?

Mr. KITTY. Yes, sir; I did.

Mr. COHN. How did you send it to him?

Mr. KITTY. By correspondence.

Mr. COHN. You sent it to him through the mails?

Mr. KITTY. Yes, sir.

Mr. COHN. In those letters, containing that classified material, did you, in addition to the written information, supply some sketches?

Mr. KITTY. Yes; I did, sir.

Mr. COHN. Now, in addition to your direct communication with Mr. Coleman, did you furnish him with material through Mr. Okun?

Mr. KITTY. I don't recall that I did, but it is quite possible that I did.[67]

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[58] Ibid., pt. 2, p. 88.
[59] Ibid., pt. 2, p. 89.
[60] Ibid., pt. 1, pp. 52–53.
[61] Ibid., pt. 2, pp. 94–95.
[62] Ibid., pt. 2, pp. 92, 94.
[63] Ibid., pt. 2, pp. 95, 106.
[64] Ibid., pt. 1, p. 63.
[65] Ibid., pt. 1, pp. 62, 64.
[66] Ibid., pt. 1, p. 63.
[67] Ibid., pt. 1, p. 64.

Mr. COHN. And have you supplied the committee with the names and identities of some of the projects concerning which you supplied Mr. Coleman with material? You have told that to us; is that right?

Mr. KITTY. Yes; I have.

Mr. COHN. I do not want to go into those now, because we have not determined that that is unclassified, in the case of one there is a possibility that the actual designation is still classified, and I do not want to go into that in public session now.[68]

HARRY HYMAN

Harry Hyman had been employed by Federal Telecommunication Laboratories from November 1, 1943, to October 31, 1951.[69]

Peter A. Gragis and John Saunders, both former members of the Communist Party who had been fellow Hyman employees at Federal Telecommunication Laboratories, testified that Hyman had been an active member of the Communist Party cell at the laboratories.[70]

Sam Morris, John A. DeLuca and Lester Ackerman, all laboratory employees, testified that it was common knowledge around the plant that Hyman was connected with the Communist Party.[71] DeLuca said that Hyman asked him to join the Communist Party about 1948.[72]

On more than 50 occasions Hyman invoked the protection of the fifth amendment concerning membership in the Communist Party while employed at Federal Telecommunication Laboratories; whether he was engaged in espionage while at the laboratories;[73] whether he ever discussed classified material with individuals whom he knew to be espionage agents or individuals he had reason to believe were espionage agents;[74] whether he advocated the overthrow of the United States Government by force and violence;[75] whether he was currently engaged in espionage activities;[76] whether he was an espionage agent on the payroll of the Communist Party;[77] and whether he ever engaged in a conspiracy to commit espionage.[78]

Illustrative of his testimony concerning espionage activity is the following:

The CHAIRMAN. Are you an undercover espionage agent for the Communists as of today?

Mr. HYMAN. I decline to answer for the reasons already given.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. HYMAN. That is correct.[79]

Evidence proved that Hyman made several hundred telephone calls from 1952 to the time of his appearance to employees of Army Signal Corps' installations and other secret military and civilian establishments. Some of the places that he contacted were the Navy Air Rocket Test Station, Lake Denmark, Dover, N. J.; the Department of the Air Force Transportation Depot, Newark, N. J.; the Electronic Research Associates, North Caldwell, N. J.; Aberdeen Proving Grounds, Aberdeen, Md.; Federal Telecommunication Laboratories;

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[68] Ibid., pt. 1, p. 65.
[69] Ibid., pt. 1, p. 38.
[70] Ibid., pt. 9, p. 378; pt. 7, p. 293.
[71] Ibid., pt. 7, pp. 294–296.
[72] Ibid., pt. 7, p. 294.
[73] Ibid., pt. 1, p. 38.
[74] Ibid., pt. 7, p. 302.
[75] Ibid., pt. 1, p. 41.
[76] Ibid., pt. 1, p. 42.
[77] Ibid., pt. 1, p. 42.
[78] Ibid., pt. 1, p. 41.
[79] Ibid., pt. 1, p. 41.

the radar laboratories of the Army Signal Corps, Fort Monmouth;[80] and the Fairchild Engine & Airplane Corp., Farmingdale, N. Y.[81]

Invoking the protection of the fifth amendment, Hyman refused to answer questions concerning these calls. His testimony reads in part as follows:

The CHAIRMAN. Did you make a total of approximately 76 calls to the Federal Telecommunications Laboratory in the last year, specifically between January 24, 1952, and the present date?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. Were you discussing espionage in those phone calls?

Mr. HYMAN. I decline to answer any questions on the subject of crime. That is a grand jury matter, outside the committee's jurisdiction.

The CHAIRMAN Do you feel if you told the truth about this it would incriminate you?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the grounds that my answer might tend to incriminate me.[82]

* * * * * * *

The CHAIRMAN. Did you make calls to the United States Government Navy Air Rocket Testing Station at Lake Denmark, at Dover, N. J.?

Mr. BOUDIN (Hyman's attorney). Would the first name be spelled, please?

The CHAIRMAN. It is the Navy Air Rocket Testing Station at Lake Denmark, Dover, N. J. Did you make calls to that place?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. Specifically, did you make a call there on January 2, 1953?

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. The grounds of self-incrimination?

Mr. HYMAN. That's right.

The CHAIRMAN. Did you make approximately eight calls to the United States Government Department of the Air Force at Newark, N. J., between August 1953 and October of 1953?

Mr. HYMAN. I decline to answer for the same grounds.[83]

Concerning the receipt of classified information from persons working at the Army Signal Corps installations, Hyman testified in part as follows:

Mr. COHN. Mr. Hyman, in the month of October 1953, did you ask persons working at Federal Telecommunications Laboratory and at Fort Monmouth to give you classified information from the Army Signal Corps?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline for the reasons already stated.[84]

* * * * * * *

Mr. COHN. Were you in March of 1953 discussing with Joseph Levitsky the obtaining of classified information from the Army Signal Corps?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.[85]

Questioned concerning a recent meeting at his home attended by known Communist Party functionaries, Hyman's testimony reads:

Mr. COHN. Did you have a meeting at your home to plan out espionage activities, attended by Howard "Stretch" Johnson, one of the top leaders of the Communist Party of New York, Jack Banks——

Mr. BOUDIN. Will you spell those names?

Mr. COHN. Howard Johnson, known as "Stretch" Johnson, J-o-h-n-s-o-n; Jack Banks, B-a-n-k-s; and Sandy Smith of the Philadelphia Communist Party. Did

[80] Ibid., pt. 1, p. 42.
[81] Ibid., pt. 7, p. 306.
[82] Ibid., pt. 1, p. 40.
[83] Ibid., pt. 1, pp. 40–41.
[84] Ibid., pt. 1, p. 39.
[85] Ibid., pt. 1, p. 39.

those three persons attend a meeting in your home in which the obtaining of classified information from the Army Signal Corps was discussed?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.[86]

FRANK MASON M'GEE

Peter A. Gragis and John Saunders, both former members of the Communist Party, identified Frank Mason McGee as a member of the Communist Party cell operating at the Federal Telecommunication Laboratories.[87] McGee had been employed at the laboratories in the late 1940's for 3½ years.[88]

McGee consistently invoked the protection of the fifth amendment on questions relating to Communist Party activities. He declared that he might have discussed secret or confidential material with Harry Hyman, a fellow employee.[89] Hyman had a pass which gave him access to McGee's office at the laboratories. He visited McGee quite often at which time McGee's desk usually was covered with classified material which was accessible to Hyman.[90]

The following are illustrations of McGee's invocation of the fifth amendment:

(*a*) As to current Communist membership:

The CHAIRMAN. Are you a Communist as of this moment?

Mr. MCGEE. I refuse to answer that under the fifth amendment.[91]

(b) As to membership in the Communist Party cell at the Federal Telecommunication Laboratories:

Mr. COHN. You heard the testimony of Mr. Gragis here this morning. Was that testimony insofar as it related to you, namely, that you were a member of this Communist cell, that you were educational director of the cell, and that you taught to the employees of the Federal Telecommunications Laboratory who belong to that cell from State and Revolution? Was that testimony true?

Mr. MCGEE. I refuse to answer that question on the same——

The CHAIRMAN. You will have to state the ground.

Mr. MCGEE. I refuse to answer the question under the protection of the fifth amendment to the Constitution.[92]

(*c*) As to whether he knew Harry Hyman to be an espionage agent:

The CHAIRMAN. Do you know Harry Hyman?

Mr. MCGEE. Yes, sir.

The CHAIRMAN. Did you know that Harry Hyman was an espionage agent?

Mr. MCGEE. I refuse to answer that on the same grounds, sir.[93]

(*d*) As to discussion of classified material with members of the Communist Party:

The CHAIRMAN. Did you ever discuss classified material with members of the Communist Party?

Mr. MCGEE. If these people had been cleared to work with me I may have.

The CHAIRMAN. In other words, you may have discussed it with Communists who were cleared, is that the answer?

Mr. MCGEE. I may have, yes, sir.[94]

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[86] Ibid., pt. 1, p. 39.
[87] Ibid., pt. 9, p. 379; pt. 10, pp. 465–466.
[88] Ibid., pt. 9, p. 382.
[89] Ibid., pt. 9, p. 384.
[90] Ibid., pt. 9, p. 388.
[91] Ibid., pt. 9, p. 384.
[92] Ibid., pt. 9, p. 383.
[93] Ibid., pt. 9, p. 384.
[94] Ibid., pt. 9, pp. 395, 396.

(*e*) As to recruitment of fellow employees to join the Communist Party:

The CHAIRMAN. Have you solicited people in Telecommunications and asked them to join the Communist Party?
Mr. McGEE. I refuse to answer that question on the ground of the fifth amendment to the Constitution.[96]

(*f*) As to cooperation with the Federal Bureau of Investigation:

Mr. McGEE. Will I give information concerning Communist Party membership to the FBI? No, sir.
The CHAIRMAN. You will not?
Mr. McGEE. No, sir.[96]

RUTH WEINER LEVINE

On December 11, 1953, when she was subpenaed, Ruth Weiner Levine was employed by the Federal Telecommunication Laboratories. She had been at the laboratories more than 10 years [97] and was granted a top-secret clearance [98] by the United States Air Force on March 29, 1950.[99] This clearance, which she had at the time she was subpenaed, entitled Levine to access to the most important secrets at the laboratory. Peter A. Gragis, Harriman Dash, and John Saunders [100] identified her as a member of the secret Communist Party cell which operated at the laboratories.

Levine invoked the privilege of the fifth amendment on participation in a conspiracy to commit espionage; [101] current membership in the Communist Party; [102] identifying other members of the Communist conspiracy still employed by Federal Telecommunication Laboratories; [103] and naming persons who attended underground meetings of the Communist Party at the home of Harry Hyman within the last year.[104]

Portions of her testimony read as follows:

Mr. COHN. Now, Mrs. Levine, are you a member of the Communist Party?
Mrs. LEVINE. I decline to answer that on the grounds of the fourth and fifth amendments.
Mr. COHN. And while working for the Federal Communications Laboratory, did you discuss with members of the Communist Party your work at the Federal Telecommunication Laboratory?
Mrs. LEVINE. Pardon me.
(The witness conferred with her counsel.)
Mrs. LEVINE. I decline to answer on the same grounds.[105]
Mr. COHN. Have you ever engaged in a conspiracy with other persons to commit espionage?
Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendments.

* * * * * * *

Mr. COHN. During that period of time, did you engage in a conspiracy to commit espionage wtih a man named Harry Hyman?
Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendments.
Mr. COHN. Did you participate in underground meetings of the Communist Party with Harry Hyman at his home?

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[96] Ibid., pt. 9, p. 399.
[97] Ibid., pt. 9, p. 400.
[98] Ibid., pt. 6, p. 277.
[99] See footnote 21.
[100] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 6, p. 275.
[101] Ibid., pt. 10, pp. 412, 434, 463.
[102] Ibid., pt. 6, p. 276.
[103] Ibid., pt. 6, p. 276.
[104] Ibid., pt. 6, p. 278.
[105] Ibid., pt. 6, p. 276.

Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendments.

Mr. COHN. On the date that you were granted top-secret clearance, which was March 29, 1950, were you a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. LEVINE. I decline to answer that on the grounds of the fourth and fifth amendments.

Mr. COHN. On that date, were you engaged in a conspiracy to commit espionage?

(The witness conferred with her counsel.)

Mrs. LEVINE. I decline to answer that on the grounds of the fourth and fifth amendments.

Prior to the date of her appearance, but after being subpenaed, Levine resigned from the Laboratories because she had been advised by the company's security officer that action would be taken against her if she invoked the fifth amendment in answering questions concerning communism and related matters.[106]

ERNEST PATAKI

Ernest Pataki, husband of Vivian Glassman Pataki, and a member of the faculty of Cooper Union, New York City, was employed at the Federal Telecommunication Laboratories from June 1944 to August 1950. He had access to classified material.[107] His wife was considered by David Greenglass to be a member of the Rosenberg spy ring.[108]

Pataki invoked the privilege of the fifth amendment on questions relating to Communist activities, espionage and membership in the Rosenberg spy ring.[109] His testimony is quoted in part as follows:

Mr. COHN. And while you were working there [Federal Telecommunication Laboratories] were you a member of the Communist Party?

Mr. PATAKI. I refuse to answer that under the fifth amendment.

Mr. COHN. While you were working there, were you engaged in espionage?

Mr. PATAKI. I refuse to answer that under the fifth amendment.

* * * * * * *

Mr. COHN. Did you organize a Communist cell at the Federal Telecommunications Laboratory?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. Do you know Harry Hyman?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. Did you and Harry Hyman engage in espionage at the Federal Telecommunications Laboratory?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.[110]

* * * * * * *

Mr. COHN. Have you within the last 2 months been in communication with members of the Communist Party working at Evans Signal Laboratory and Fort Monmouth?

Mr. PATAKI. I refuse on the grounds of the fifth amendment.[111]

Pataki became a naturalized citizen in 1944. Invoking the protection of the fifth amendment, he refused to answer if he was a member of the Communist Party at the time of his naturalization.[112]

Pataki refused to answer whether he transmitted classified material to an espionage ring.[113]

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[106] Ibid., pt. 6, p. 277.
[107] Ibid., pt. 5, p. 202.
[108] Ibid., pt. 1, p. 22.
[109] Ibid., pt. 5, pp. 203-204.
[110] Ibid., pt. 5, p. 205.
[111] Ibid., pt. 5, p. 205.
[112] Ibid., pt. 5, p. 205.
[113] Ibid., pt. 5, p. 205.

The CHAIRMAN. Did you ever obtain classified material from anyone at Fort Monmouth and transmit that classified material on to anyone known to you to be a member of an espionage ring?

Mr. PATAKI. I refuse to answer that question on the grounds of the fifth amendment.

ELEANOR GLASSMAN HUTNER

Eleanor Glassman Hutner was employed as an assistant to engineers at the secret radar laboratories, Fort Monmouth, from June 1942 to December 1943.[114] Her sister, Vivian Glassman Pataki, was considered by David Greenglass to be a member of the Rosenberg spy apparatus.[115]

Hutner resorted to the fifth amendment concerning membership in a Communist Party cell with Julius Rosenberg;[116] whether her sister, Vivian Glassman Pataki, was a member of the Rosenberg spy ring at Fort Monmouth;[117] whether her husband, Eugene Hutner, a New York City school teacher, was a member of the Communist Party;[118] whether she discussed her work at Fort Monmouth with Communist Party members;[119] whether she held current membership in the Communist Party;[120] and whether Harry Hyman discussed espionage in her presence.[121]

Portions of her testimony follow:

Mr. COHN. Were you a member of the Communist cell with Julius Rosenburg?

Mrs. HUTNER. I refuse to answer that question.

Mr. COHN. Did you know Julius Rosenberg at that time? I am sorry, would you state the grounds upon which you predicate the refusal?

Mrs. HUTNER. The fifth amendment states that no person shall be compelled to be a witness against himself.

Mr. COHN. Did you know Julius Rosenberg at that time?

Mrs. HUTNER. I refuse to answer that question.

* * * * * * *

Mr. COHN. While working at the Signal Corps, were you a member of a Communist cell of which other members were Julius Rosenberg and your sister, Vivian?

Mrs. HUTNER. I refuse to answer that question.

* * * * * * *

The CHAIRMAN. Have you been in contact with any members of the Communist Party at Fort Monmouth since you left there?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

* * * * * * *

The CHAIRMAN. Have you ever discussed with any members of the Communist Party the work that you were doing at Fort Monmouth?

Mrs. HUTNER. I refuse to answer that question under the fifth amendment.

ALBERT SHADOWITZ

When Albert Shadowitz testified, he was employed by the Kay Electric Co., Pinebrook, N. J.[122] He had been employed by the Federal Telecommunication Laboratories from 1943 to 1951,[123] and before that by the War Department at the Aberdeen Proving Ground, Aberdeen,

[114] Ibid., pt. 5, p. 193.
[115] Ibid., pt. 1, p. 22.
[116] Ibid., pt. 5, p. 196.
[117] Ibid., pt. 5, p. 196.
[118] Ibid., pt. 5, p. 200.
[119] Ibid., pt. 5, p. 200.
[120] Ibid., pt. 5, p. 199.
[121] Ibid., pt. 5, p. 201.
[122] Ibid., pt. 6, pp. 237-238.
[123] Ibid., pt. 6, p. 239.

Md.[124] Because of the importance of the work in which he was engaged, he was deferred from military service during World War II.[125]

Shadowitz refused to answer all questions concerning Communist activities on the advice of Albert Einstein, the scientist, and the first amendment. Shadowitz' testimony revealed that Einstein had advised him "not to cooperate with this or any other committee of a similar nature."[126]

Shadowitz refused to answer whether he had discussed with members of the Communist Party the classified material to which he had access while employed by the Federal Telecommunication Laboratories;[127] whether he ever discussed any confidential material with a member of the Communist Party;[128] whether the Communist Party instructed him to apply for secret clearance while employed at the laboratories;[129] and whether he would identify certain individuals as Communists.

On October 14, 1954, Shadowitz was indicted by a Federal grand jury, southern district of New York, as a result of his refusal to answer questions before the subcommittee. His trial is now pending.

LEO KANTROWITZ

At the time that he was subpenaed, Leo Kantrowitz was employed by the Zenith Engineering Co., Newark, N. J., where he had been employed for approximately 1 year.[130] Prior to that he had worked for 6 years at the Federal Telecommunication Laboratories.[131] This company was engaged in classified work.

A letter from the Zenith Engineering Co. addressed to the subcommittee reads in part as follows:

> Under the security agreement with the United States Government, he (Kantrowitz) was performing confidential and restricted work behind closed doors.[132]

Communist Party nominating petitions signed by Leo Kantrowitz in 1940, 1941, 1943, and 1945 were introduced during the hearings. Kantrowitz invoked the protection of the fifth amendment when asked if he signed these petitions.[133] He also invoked the fifth amendment on all questions concerning Communist Party activity.

> Mr. COHN. Now, Mr. Kantrowitz, you have heard the testimony here of Mr. Gragis to the effect that you were, when he knew you in Federal Telecommunication Laboratories, an active member of a Communist cell there. Is that testimony true? Were you a member of this Communist cell?
>
> Mr. KANTROWITZ. I refuse to answer that question on the grounds that under the fifth amendment a person may not be compelled to bear witness against himself.
>
> Mr. COHN. Were you a member of the Communist Party while working at the Zenith Engineering Co. last month?
>
> Mr. KANTROWITZ. I refuse to answer that question on the same grounds.
>
> Mr. COHN. Are you a member of the Communist Party today?
>
> Mr. KANTROWITZ. I refuse to answer that question on the same grounds.[134]

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[124] Ibid., pt. 6, p. 239.
[125] Ibid., pt. 6, p. 239.
[126] Ibid., pt. 6, p. 240.
[127] Ibid., pt. 6, p. 241.
[128] Ibid., pt. 6, p. 246.
[129] Ibid., pt. 6, p. 245.
[130] Ibid., pt. 10, p. 415.
[131] Ibid., pt. 10, p. 415.
[132] Ibid., pt. 10, p. 414.
[133] Ibid., pt. 10, p. 417.
[134] Ibid., pt. 10, p. 414.

The CHAIRMAN. Did you ever discuss with any members of the Communist Party the confidential work which you were doing at Zenith Engineering, the defense work?

Mr. KANTROWITZ. I refuse to answer that question on the grounds already stated.[136]

* * * * * * *

The CHAIRMAN. How long did you work at Federal Telecommunication?

Mr. KANTROWITZ. Approximately 6 years.

The CHAIRMAN. During all that period of time, were you giving information about your work to the Communist Party?

Mr. KANTROWITZ. I refuse to answer that question on the grounds already stated.

The CHAIRMAN. You will have to restate your grounds, Mister.

Mr. KANTROWITZ. On the grounds that under the fifth amendment a person may not be compelled to bear witness against himself.[136]

* * * * * * *

Mr. KANTROWITZ. Oh, yes. I worked for the War Department. Around that time. I don't recall.

The CHAIRMAN. What type of work did you do for the War Department?

Mr. KANTROWITZ. I was a topographical draftsman.

The CHAIRMAN. A what?

Mr. KANTROWITZ. Topographical draftsman.

The CHAIRMAN. Were you a member of the Communist Party at that time?

Mr. KANTROWITZ. I refuse to answer on the grounds that under the fifth amendment a person may not be compelled to bear witness against himself.[137]

HENRY NATHAN SHOIKET, LOUISE SARANT AND MORRIS SAVITT

Nathan Sussman identified Henry Nathan Shoiket, Morris Savitt and Alfred Sarant as members of the Young Communist League at the College of the City of New York, along with Aaron Coleman, Julius Rosenberg, Joel Barr and Morton Sobell.[138] Shoiket and Savitt were called in an effort to corroborate Sussman's testimony.

Louise Sarant was called to testify because her former husband, Alfred Sarant, a member of the Rosenberg spy ring, is reported to be living behind the Iron Curtain and because he had been employed at Fort Monmouth.

Shoiket, who admitted that he had been employed at the Brooklyn Navy Yard, where he had access to classified information,[139] was a classmate of Julius Rosenberg at the College of the City of New York.[140]

Pertinent portions of Shoiket's testimony follow:

Mr. CARR. Have you seen Julius Rosenberg since college days?

Mr. SHOIKET. I refuse to answer on the same grounds.

Mr. CARR. Did you see Julius Rosenberg during any period from your college days until his subsequent execution?

Mr. SHOIKET. I refuse to answer that question.[141]

* * * * * * *

The CHAIRMAN. Did you see Morton Sobell at any of the times that you were working on classified work for the Government?

Mr. SHOIKET. I refuse to answer this question on the grounds previously stated.

The CHAIRMAN. Self-incrimination?

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[136] Ibid., pt. 10, p. 414.
[136] Ibid., pt. 10, p. 415.
[137] Ibid., pt. 10, p. 416.
[138] Ibid., pt. 1, pp. 57-59.
[139] Ibid., pt. 3, p. 126.
[140] Ibid., pt. 3, p. 124.
[141] Ibid., pt. 3, p. 125

Mr. SHOIKET. The fifth amendment; yes, sir.[142]

* * * * * * *

The CHAIRMAN. I believe you were asked the question: Are you a member of the Communist Party as of this moment?
Mr. SHOIKET. I will not answer those questions, sir.
The CHAIRMAN. On the grounds of the fifth amendment?
Mr. SHOIKET. The fifth and first amendments.
The CHAIRMAN. You have already been asked whether you ever belonged. Have you contributed part of your salary to the Communist Party?
Mr. SHOIKET. I will not answer any questions, sir, regarding the Communist Party, for the same reasons.[143]

Louise Sarant invoked the privilege of the fifth amendment on all questions relating to her former husband's activities and present whereabouts,[144] as well as Communist Party affiliations [145] and espionage activities on her part.[146]

The CHAIRMAN. Have you yourself, ever participated in a conspiracy to commit espionage?
Mrs. SARANT. I refuse to answer under the fifth amendment.

Concerning her own knowledge of Rosenberg spy ring activities she testified as follows:

The CHAIRMAN. I am not sure if we asked you this question or not: Were you, yourself, engaged in espionage?
Mrs. SARANT. I refuse to answer under the fifth amendment.
The CHAIRMAN. While your husband worked at the Signal Corps Laboratories, was he part of the Rosenberg spy ring?
Mrs. SARANT. I refuse to answer under the fifth amendment.[147]

Investigation by the subcommittee established that Alfred Sarant had been employed at the Army Signal Corps Laboratories, Fort Monmouth, in the early 1940's, about the same time that Julius Rosenberg was employed there.

Mrs. Sarant testified as follows concerning Aaron Coleman who, with her husband, was a member of the Young Communist League:

The CHAIRMAN. Has Aaron Coleman ever visited your home?
Mrs. SARANT. I refuse to answer under the fifth amendment.
The CHAIRMAN. In 1947 did Coleman visit your home on several occasions?
Mrs. SARANT. I refuse to answer under the fifth amendment.[148]

Morris Savitt had been employed at the Brooklyn Navy Yard during most of the time that Henry Nathan Shoiket was employed there. He invoked the fifth amendment as to current Communist Party membership and membership in the Young Communist League with Julius Rosenberg, Morton Sobell, Aaron Coleman, Nathan Sussman, and Henry Nathan Shoiket.[149]

LOUIS KAPLAN, JOSEPH PERCOFF, MARCELL ULLMAN, SHORE BRANCH OF THE COMMUNIST PARTY

Louis Kaplan was employed by the Standards Agency, a branch of the Army Signal Corps, Fort Monmouth, from 1943 to 1947, where he worked on the standardization of materials.[150]

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[142] Ibid., pt. 3, p. 129.
[143] Ibid., pt. 3, p. 130.
[144] Ibid., pt. 3, pp. 143-144.
[145] Ibid., pt. 3, pp. 144-145.
[146] Ibid., pt. 3, p. 146.
[147] Ibid., pt. 3, p. 147.
[148] Ibid., pt. 3, p. 146.
[149] Ibid., pt. 4, p. 154.
[150] Ibid., pt. 7, p. 289.

Kaplan invoked the fifth amendment as to current Communist Party membership and as to membership while employed by the Army Signal Corps.[151]

Investigation established that the Communist Party organized the Shore Branch, also known as the Shore Club, in Monmouth County, N. J., for the specific purpose of infiltrating the Fort Monmouth laboratories. It was also established that Kaplan helped to organize the Shore Branch and was one of its most important members.

When questioned concerning the Shore Branch Kaplan invoked the fifth amendment:

The CHAIRMAN. Did you help organize the Shore Club?
(The witness conferred with his counsel.)
Mr. KAPLAN. I refuse to answer that on the grounds of the fifth amendment.
The CHAIRMAN. What was the purpose of the organization of the Shore Club?
Mr. KAPLAN. I refuse to answer that. Fifth.[152]

* * * * * * *

The CHAIRMAN. Let me rephrase it so that there will be no question. Was the Shore Club organized for the purpose, for the dual purpose, of infiltrating the Signal Corps laboratories with Communists and for the purpose of committing espionage in those laboratories?
(The witness conferred with his counsel.)

* * * * * * *

The CHAIRMAN. The record will show that the witness has been ordered to answer this question a great number of times and given the opportunity and refuses to do so.[153]

Because of the prominent role played by Sidney Stolberg in organizing the Shore Branch, he was subpenaed also.

Stolberg, like Kaplan, invoked the fifth amendment concerning the organization of the Shore Branch.[154] He also refused to answer questions about espionage activities on the part of Louis Kaplan, who was his employee.[155]

The record established that Joseph Percoff was employed by the Army Signal Corps from 1942 to 1945. He invoked the fifth amendment on questions relating to espionage and Communist Party activities:

The CHAIRMAN. Is it correct that your Communist Party card number was 17342?
Mr. PERCOFF. I refuse to answer that on all the previous grounds that I have already stated.[156]

* * * * * * *

The CHAIRMAN. Did you ever discuss any classified Government work with any member of the Communist Party?
Mr. PERCOFF. I refuse to answer that question on the grounds already stated.[157]

* * * * * * *

The CHAIRMAN. Did you obtain classified material from people at Fort Monmouth and pass that on to members of the Communist Party?
Mr. PERCOFF. I refuse to answer that question on the grounds that I have previously stated.[158]

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[151] Ibid., pt. 7, p. 290.
[152] Ibid., pt. 7, p. 288.
[153] Ibid., pt. 7, p. 289.
[154] Ibid., pt. 6, p. 269.
[155] Ibid., pt. 6, p. 271.
[156] Ibid., pt. 3, p. 136.
[157] Ibid., pt. 3, p. 137.
[158] Ibid., pt. 3, p. 139.

The CHAIRMAN. Did you, at the Shore Club, or Shore Branch, of the Communist Party, also known as the Walt Whitman Club, discuss or hear discussed, by Communists, secret work being done at the Fort Monmouth radar laboratories?

Mr. PERCOFF. I refuse to answer that question on the grounds already stated. [159]

* * * * * * *

The CHAIRMAN. While you were working at either the Army Signal Corps radar laboratories or the Air Corps lab at Watson, or the Air Corps Watson Laboratories, I should say, were you at any time transmitting to the Communist Party, or people known to you to be espionage agents, any classified material that you were handling?

Mr. PERCOFF. I refuse to answer that question on the grounds I have already stated. [160]

Continuing to rely on the privilege of the fifth amendment, Percoff refused to answer whether he knew Harry Hyman and Marcel Ullmann, and whether Hyman, Ullmann, and he had obtained secret material from Fort Monmouth for the purpose of transmitting the material to persons known to be part of an espionage ring.[161]

Investigation ascertained that Marcel Ullmann was one of the organizers of the Shore Branch of the Communist Party. Ullmann was employed at Fort Monmouth from 1941 to 1947.[162] Ullmann invoked the privilege of the fifth amendment on all questions concerning the Shore Branch.[163]

Ullmann consistently used the fifth amendment on matters relating to espionage and Communist conspiratorial activities.[164] Among other things, he refused to answer whether he knew Aaron Coleman;[165] whether he had been in contact with Fort Monmouth employees as recently as September 1953 and whether he obtained classified information from them;[166] and whether he was a member of an espionage group during the entire time that he worked for the Army Signal Corps radar laboratories.[167]

JOSEPH LEVITSKY

Joseph Levitsky was employed by the Army Signal Corps at Fort Monmouth from 1940 to 1943 and at the Federal Telecommunication Laboratories from 1943 to February 1953. Levitsky had access to classified material at both installations.[168]

When Levitsky applied for employment at Federal Telecommunication Laboratories he gave Julius Rosenberg as a character reference.[169] Asked whether he was a member of the Communist Party with Rosenberg, Levitsky refused to answer, basing his refusal on the protection of the fifth amendment.[170]

Continuing to invoke the fifth amendment, Levitsky refused to answer whether he was engaged in a conspiracy to commit espionage;[171] whether he asked employees of the Army Signal Corps to engage in espionage;[172] and whether he was a member of the Communist Party

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[159] Ibid., pt. 3, p. 139.
[160] Ibid., pt. 3, p. 139.
[161] Ibid., pt. 3, p. 140.
[162] Ibid., pt. 3, p. 116.
[163] Ibid., pt. 3, p. 119.
[164] Ibid., pt. 3, p. 117.
[165] Ibid., pt. 3, p. 117.
[166] Ibid., pt. 3, p. 117.
[167] Ibid., pt. 3, p. 123.
[168] Ibid., pt. 1, p. 26.
[169] Ibid., pt. 1, p. 27.
[170] Ibid., pt. 1, p. 29.
[171] Ibid., pt. 1, p. 29.
[172] Ibid., pt. 1, p. 30.

while employed at Federal Telecommunication Laboratories in February 1953.[173]

Mr. COHN. Did you in July of 1953 make a trip to New Jersey, and visit three people and ask them to engage in espionage?
(The witness consulted with his counsel.)
Mr. LEVITSKY. I decline to answer for the reasons given above.
Mr. COHN. Did you ask persons who were employed at Fort Monmouth, in the Signal Corps, to engage in espionage?
Mr. LEVITSKY. I decline for the same reason.

* * * * * * *

Mr. COHN. In February of 1953, when you were working at the Federal Telecommunications Laboratory, were you a Communist?
(The witness consulted his counsel.)
Mr. LEVITSKY. I decline to answer for the reasons given above.
Mr. COHN. Since you resigned from the Federal Telecommunications Laboratory, have you asked any person working there to commit espionage?
Mr. LEVITSKY. I decline to answer for the reasons given above.
Mr. COHN. Since you left the Federal Telecommunications Laboratory, have you asked any persons working at Fort Monmouth to commit espionage?
Mr. LEVITSKY. I decline to answer for the same reason.

BARRY S. BERNSTEIN AND SAMUEL JOSEPH SNYDER

At the time that Barry S. Bernstein appeared he was head of the Measurements Section, which is a part of the Applied Physics Branch, Evans Laboratory, Fort Monmouth, where he had been employed over 12 years. His testimony reveals that less than a week before he appeared his secret clearance had been lifted.[174]

In January 1951 Bernstein was suspended on security charges which, according to his testimony, involved "Communist sympathy" on his part.[175] Bernstein produced a copy of a letter dated January 11, 1951, which listed the charges filed against him by the Army Signal Corps.[176] He was charged with stating in frequent discussions that living conditions in Russia were superior to those in the United States and with praising Russia as providing greater racial equality. This, the letter stated, was without any personal knowledge of actual conditions in Russia, thereby indicating a susceptibility to Communist influence. It was also charged that Bernstein favored the Russian Communist system over the capitalistic system in the United States. It was charged that he praised the Russian form of government and attempted to convince a fellow employee that the Russian Communist form of government was superior to that of the United States.[177] Bernstein testified that he did not make the statements set forth in the letter of January 11, 1951.[178]

After he received the letter containing the charges, Bernstein appeared before the Security Hearing Board, First Army. As a result of the hearing he was discharged. Subsequently this decision was reversed by the Security Review Board, Secretary of the Army's office. Bernstein was thereupon reinstated.[179]

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[173] Ibid., pt. 1, p. 31.
[174] Ibid., pt. 1, p. 1.
[175] Ibid., pt. 1, p. 2.
[176] Ibid., pt. 1, p. 4.
[177] Ibid., pt. 1, p. 4.
[178] Ibid., pt. 1, p. 4.
[179] Ibid., pt. 1, p. 5.

Bernstein's testimony disclosed that while he was president of an American Veterans Committee chapter he opposed barring Communists from its membership.[180] As late as 1947 he felt no obligation to report the presence of a Communist handling secret material to his commanding officer or to the Federal Bureau of Investigation.[181]

Samuel Joseph Snyder was employed by the Army Signal Corps from April 15, 1949, to October 14, 1952.[182]

While employed by the Army Signal Corps, charges were filed against Snyder indicating that he was involved in Communist activities and that he was a security risk. He was suspended and granted a hearing before the Security Hearing Board, First Army. The board held that Snyder was a security risk and should not be reinstated in his job. Snyder appealed to the Security Review Board, Office of the Secretary of the Army. This Board reversed the decision and ruled that Snyder should be reinstated and that he should receive pay lost while under suspension. He was reinstated and resigned immediately thereafter.[183]

When he appeared before the subcommittee, Snyder, resorting to the fifth amendment, refused to answer whether he told the truth to the Security Hearing Board, First Army.[184] He also refused to answer questions concerning Communist activities and to furnish the names of people he saw at Communist meetings.[185]

ALBERT SOCOL

Albert Socol was employed by the Army Signal Corps, Evans Laboratory, Fort Monmouth, from 1942 to 1947.[186] He invoked the protection of the fifth amendment on questions dealing with Communist Party activities and espionage;[187] if he knew Aaron Coleman while employed at the laboratories;[188] if he was a member of the Communist Party during such employment;[189] if he had been in communication with members of the Communist Party working at Evans Laboratory in the last 2 years.[190]

On the question of espionage he testified as follows:

> The CHAIRMAN. Are you engaged in espionage as of today?
> Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.
> The CHAIRMAN. Have you been in contact with Communists at the secret radar laboratories since you left Fort Monmouth?
> Mr. SOCOL. I refuse to answer on the grounds previously stated.
> The CHAIRMAN. Do you feel that that answer would tend to incriminate you?
> (The witness conferred with his counsel.)
> Mr. SOCOL. Yes.[191]

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[180] Ibid., pt. 1, p. 8.
[181] Ibid., pt. 1, p. 9.
[182] Ibid., pt. 6, p. 253.
[183] Ibid., pt. 6, p. 254.
[184] Ibid., pt. 6, p. 258.
[185] Ibid., pt. 6, p. 258.
[186] Ibid., pt. 4, p. 151.
[187] Ibid., pt. 4, p. 150.
[188] Ibid., pt. 4, p. 150.
[189] Ibid., pt. 4, p. 150.
[190] Ibid., pt. 4, p. 150.
[191] Ibid., pt. 4, p. 151.

SYLVIA BERKE

Sylvia Berke was an employee of the Army Signal Corps, Fort Monmouth, from December 1942 to September 1943.[192] She invoked the protection of the fifth amendment when asked whether she had ever been a member of the Communist Party or whether she was a member while employed by the Army Signal Corps;[193] whether she was a member of the Communist Party on September 10, 1952, when she swore on an application for employment with the New York City Board of Education that she had not been a member of any society or group of persons which teaches or advocates that the Government of the United States should be overthrown by force, violence, or any unlawful means.[194]

HARRY GRUNDFEST

When Harry Grundfest testified, he was an associate professor of neurology at Columbia University, where he had been a member of the faculty since 1945.[195] For a period of about 18 months prior to accepting employment at Columbia, he was employed as a senior psychologist by the Army Signal Corps, Squire Laboratory, Fort Monmouth, where he had access to classified material.[196]

Grundfest invoked the privilege of the fifth amendment when asked if he was a member of the Communist Party at the time he was employed at the Squire Laboratory;[197] if he discussed classified Government work with members of the Communist Party;[198] and if he had appeared at a Communist Party meeting in February 1952 with a Soviet espionage agent.[199]

Grundfest signed an appeal addressed to the President of the United States for the immediate release of the convicted Communist Party leaders. The appeal was published in the Daily Worker on December 10, 1952.[200]

EZEKIAL HEYMAN

Ezekial Heyman had a secret clearance from the Army Signal Corps while employed at Federal Telecommunication Laboratories from 1943 to 1947.[201]

Heyman invoked the fifth amendment on the question of current Communist Party membership and on whether he was engaged in Communist Party activities while at Federal Telecommunication Laboratories.[202]

LEONARD E. MINS

Leonard E. Mins testified that he was employed by a New York firm handling subcontracts for General Electric from 1943 to 1946. He had access to classified material and was engaged in the prepara-

[192] Ibid., pt. 4, p. 167.
[193] Ibid., pt. 4, p. 168.
[194] Ibid., pt. 4, p. 170.
[195] Ibid., pt. 1, p. 44.
[196] Ibid., pt. 1, p. 44.
[197] Ibid., pt. 1, p. 44.
[198] Ibid., pt. 1, p. 45.
[199] Ibid., pt. 1, p. 48.
[200] Ibid., pt. 1, p. 49.
[201] Ibid., pt. 7, p. 291.
[202] Ibid., pt. 7, pp. 291–292.

tion of a manual on the dual-purpose gun which was being manufactured for the United States Navy.[203]

Mins invoked the fifth amendment in refusing to answer whether he ever engaged in espionage;[204] whether he had access to classified information while a Communist Party member;[205] whether he taught and advocated the overthrow of the United States Government by force and violence;[206] and whether he had been a teacher at the Workers School [207] of the Communist Party.[208]

DIANA MOLDOVER WOLMAN

Diana Moldover Wolman was employed as a junior engineering aide at the Army Signal Corps, Kearney, N. J., in 1942.[209] At the time of her appearance she was a New York City schoolteacher.[210] Evidence established that she left the Army Signal Corps and became head of the export department of the Four Continent Book Corp.[211]

Her testimony in this regard reads:

Mr. COHN. Now, Mrs. Wolman, did you leave the Signal Corps to assume a full-time position with the Communist Party?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Did you leave the Signal Corps to accept a Communist Party assignment as the chief of the export department of the Four Continent Book Corp.?

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Is it not a fact that under orders of the national committee of the Communist Party you became the chief of the export division of the Four Continent Book Corp.?

Mrs. WOLMAN. Fifth amendment.

Evidence was introduced showing that the catalog of the Jefferson School of Social Science listed Diana Moldover as an instructor following her Signal Corps employment.[212] She invoked the fifth amendment when asked if she was or had been an instructor in Soviet literature and in Russian at the school as the catalog indicated.[213]

She also invoked the privilege of the fifth amendment when she refused to answer whether she attended Communist meetings with fellow Communists who were Army Signal Corps employees;[214] whether

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[203] Ibid., pt. 4, p. 160.
[204] Ibid., pt. 4, pp. 159–160.
[205] Ibid., pt. 4, p. 160.
[206] Ibid., pt. 4, pp. 161–162.
[207] "WORKERS SCHOOL OF NEW YORK CITY
"1. Cited as 'an official Communist Party school' located at 35 East 12th Street, New York City, which was also headquarters of the Communist Party. Instructors were always members of the Communist Party. It later merged with the School for Democracy to become the Jefferson School of Social Science. (Special Committee on Un-American Activities, report, Mar. 29, 1944, pp. 89 and 168.)
"2. An educational institution controlled by the Communist Party. (California Committee on Un-American Activities, report, 1948, p. 269.)"

See Guide to Subversive Organizations and Publications, p. 121, prepared and released by the Committee on Un-American Activities, U. S. House of Representatives, Washington, D. C., May 14, 1951.
[208] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 4, p. 163.
[209] Ibid., pt. 5, p. 208.
[210] Ibid., pt. 5, p. 207.
[211] "FOUR CONTINENT BOOK CORP.
"1. Cited as a Communist publishing house located at 253 Fifth Avenue, New York City. (California Committee on Un-American Activities, report, 1948, p. 214.)"

See Guide to Subversive Organizations and Publications, p. 52, prepared and released by the Committee on Un-American Activities, U. S. House of Representatives, May 14, 1951.
[212] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 5, p. 210.
[213] Ibid., pt. 5, p. 210.
[214] Ibid., pt. 5, p. 211.

she knew Communists inside the Army Signal Corps installation where she was employed;[215] whether she was a member of the Communist Party during the entire period of her employment by the New York Board of Education;[216] and whether she was a current member of the Communist Party.[217]

Diana Wolman's husband, Benjamin Wolman, also testified and using the marital privilege refused to answer if his wife was a Communist[218] or whether he ever told his wife that he was a member of the Communist Party.[219] Benjamin Wolman attended the Army Signal Corps' Officer Candidate School, Fort Monmouth, from 1942 until 1943. After 3 months' training he was commissioned a Signal Corps officer.[220] At the time of his appearance, he was an assistant principal of a New York City public school.[221] He testified that he had no opinion on whether the Communists or the United States was to blame for the Korean war.[222]

SIDNEY GLASSMAN

Sidney Glassman invoked the privilege of the fifth amendment when asked questions concerning Communist Party activities. He refused to answer whether he was a member of the Communist Party when he was a soldier in the Army Signal Corps;[223] whether he was a current member;[224] or whether he attended Communist meetings during the last year with anyone working for the United States Government.[225]

DAVID L. LINFIELD

David L. Linfield, a private in the United States Army, was employed by the Federal Telecommunication Laboratories from January 1952 to December 19, 1952, at which time he had access to secret Army Signal Corps material.[226] During both of his appearances before the subcommittee he invoked the fifth amendment on all questions dealing with his membership in subversive organizations. He specifically invoked the fifth amendment as to membership in the Communist Party;[227] whether he held membership in the Communist Party while he held a secret clearance;[228] whether he attended Communist cell meetings while employed at the Federal Telecommunication Laboratories;[229] whether he discussed any of the material on which he was working with other members of the Communist Party;[230] whether he attended Communist Party meetings while at Fort Dix;[231] and whether he attempted to recruit military personnel into the Communist Party within the week prior to his appearance.[232]

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[215] Ibid., pt. 5, p. 211.
[216] Ibid., pt. 5, p. 213.
[217] Ibid., pt. 5, pp. 212–213.
[218] Ibid., pt. 5, p. 215.
[219] Ibid., pt. 5, p. 221.
[220] Ibid., pt. 5, p. 215.
[221] Ibid., pt. 5, p. 215.
[222] Ibid., pt. 5, p. 218.
[223] Ibid., pt. 6, p. 264.
[224] Ibid., pt. 6, p. 265.
[225] Ibid., pt. 6, p. 265.
[226] Ibid., pt. 6, p. 248.
[227] Ibid., pt. 6, pp. 248–249.
[228] Ibid., pt. 6, p. 248.
[229] Ibid., pt. 6, p. 249.
[230] Ibid., pt. 6, p. 249.
[231] Ibid., pt. 9, p. 356.
[232] Ibid., pt. 9, p. 356.

THEODORE PAPPAS

When Theodore Pappas testified, he was employed as a tester of aircraft generators [233] by the General Electric Co., Lynn, Mass.[234] Pappas, a graduate of the Harvard Law School,[235] also testified that he was stationed at Fort Monmouth during World War II.[236] He resorted to the protection of the fifth amendment when he refused to answer whether he was a Communist at that time.

The CHAIRMAN. Well, all right. Were you a Communist at the time you were studying radar at Fort Monmouth?

* * * * * * *

Mr. PAPPAS. I decline to answer that question on the basis of rights guaranteed me by the first and fifth amendments to the Constitution of the United States.[237]

After Pappas left Fort Monmouth, he was assigned to an Army base at Fresno, Calif., where he was again engaged in the radar field.[238] He invoked the protection of the fifth amendment in refusing to answer all questions concerning Communist Party activity during that period.

The CHAIRMAN. From Fort Monmouth, where did you go?

Mr. PAPPAS. I believe my next stop after Fort Monmouth was some Army base at Fresno, Calif. I do not recall the exact name.

The CHAIRMAN. And were you studying radar or engaged in work having to do with radar electronics there?

Mr. PAPPAS. I was working on the machine that I had been broken in on.

The CHAIRMAN. Was that a radar machine?

Mr. PAPPAS. It was.

The CHAIRMAN. You were doing radar work in California?

Mr. PAPPAS. That is right.

The CHAIRMAN. Were you a Communist at that time?

(The witness conferred with his counsel.)

Mr. PAPPAS. I decline to answer that question upon the grounds that I have already stated.

The CHAIRMAN. From that base where did you go?

Mr. PAPPAS. Well, we went camping at various camps along the California coast. We were setting up the machine, operating it, taking it down, going to other sites and putting it up.

The CHAIRMAN. In other words, you were working on the radar screen or the radar network in California?

Mr. PAPPAS. I was the mechanic. I didn't operate the screen.

The CHAIRMAN. You were working on the screen?

Mr. PAPPAS. I was working as a mechanic, that is right.

The CHAIRMAN. On the radar network, or the radar screen, or call it what you may. In other words, you were working on radar all this time?

Mr. PAPPAS. Yes. That was my principal duty.

The CHAIRMAN. And were you a Communist during all that time?

(The witness conferred with his counsel.)

Mr. PAPPAS. I decline to answer that question upon the grounds I have already stated.

The CHAIRMAN. Were you attending meetings of the Communist conspiracy during that period of time, and discussing with other Communists your work on radar?

Mr. PAPPAS. I decline to answer that question upon the grounds I have already stated.[239]

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[233] Public hearings, Subversion and Espionage in Defense Establishments and Industry, pt. 1, p. 55.
[234] Ibid., pt. 1, p. 53.
[235] Ibid., pt. 1, p. 55.
[236] Ibid., pt. 1, p. 57.
[237] Ibid., pt. 1, p. 58.
[238] Ibid., pt. 1, p. 59.
[239] Ibid., pt. 1, pp. 59–60.

WENDELL H. FURRY

When Wendell H. Furry testified he was an associate professor of physics at Harvard University.[240]

Robert Gorham Davis, a member of the faculty of Smith College, and Granville Hicks, the author, both testified in February 1953 that they had been members of a Communist Party cell at Harvard with Furry.[241]

Furry admitted that the Davis and Hicks testimony was truthful.[242]

Furry also admitted that he knew at least six Communists who worked in a radar laboratory with him.[243] He refused to divulge the identities of these individuals.

The CHAIRMAN. I believe I covered this. You have been ordered to give us the names of all the people known to you to be Communists, working in the radar laboratory while you were working there. By the radar laboratory, I mean the Government radar laboratory where classified material is handled. You are ordered to answer that.

* * * * * * *

Mr. FURRY. I refused to answer that question some time ago, and I still refuse, sir.[244]

* * * * * * *

The CHAIRMAN. You have told us that you knew six Communists, one either who was or is working on electromagnetic wave research, the others working in the other departments of radar laboratories, and one in the atomic project. Can you tell us—and maybe you have answered this before but I am not sure—can you tell us where you would find this Communist today, the one who is working on the electromagnetic wave research project? Is he still in that work?

Mr. FURRY. Certainly not for the Government, sir, but I have refused to indicate the present employment.

The CHAIRMAN. Is he in that type of work?

Mr. FURRY. In scientific work, sir, and I have no doubt sometimes having something to do with an electromagnetic wave. But I refuse to indicate the kind of employment.

The CHAIRMAN. You are ordered to, but I assume you still refuse?

Mr. FURRY. I still refuse.[245]

Furry, who had worked in radar laboratories with Communists for 2 years,[245] declared that he joined the Communist Party in 1938 while at Harvard.[247]

He admitted that he assisted in raising funds to assist Israel Halperin, a relative who, according to the findings of the Royal Commission of Canada, was described as one who had "communicated directly or indirectly secret and confidential information, the disclosure of which might be inimical to the safety and interests of Canada, to the agents of a foreign power [the Soviet Union]."[248]

When Furry first appeared before the subcommittee in executive session, he invoked the protection of the fifth amendment in refusing to answer a substantial number of questions.

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[240] Ibid., pt. 1, pp. 32–33.
[241] Public hearings, Communist Methods of Infiltration (Education), Committee on Un-American Activities, United States House of Representatives, February 25, 1953, p. 37; February 26, 1953, pp. 103–105.
[242] Public hearings, Subversion and Espionage in Defense Establishments and Industry, pt. 1, p. 33.
[243] Ibid., pt. 1, p. 35.
[244] Ibid., pt. 1, p. 37.
[245] Ibid., pt. 1, p. 45.
[246] Ibid., pt. 1, p. 38.
[247] Ibid., pt. 1, pp. 39–42
[248] Ibid., pt. 1, p. 39; the report of the Royal Commission to Investigate the Facts Relating to and the Circumstances Surrounding the Communication, by Public Officials and Other Persons in Positions of Trust, of Secret and Confidential Information to Agents of a Foreign Power, June 27, 1946, p. 685.

On December 17, 1954, Furry was indicted by a Federal grand jury in Boston as a result of his refusal to answer questions before the subcommittee during a public session. His trial is pending.

FELIX A. INSLERMAN

Felix A. Inslerman was called because of his intimate association with the Hiss espionage ring and also because his brother, Hans Inslerman, was employed as Chief, Research Study Section, Evans Laboratory, Fort Monmouth, with a top secret clearance. Hans Inslerman was suspended from this position on security grounds after he appeared in an executive hearing before the subcommittee. He has subsequently been reinstated.

After receiving our subpena, Felix A. Inslerman contacted the Federal Bureau of Investigation and supplied the Bureau with information concerning the Hiss spy ring.[249] This was the first time that he cooperated with the United States Government in exposing subversive activities.

Inslerman testified that in early 1934 he met his first espionage contact in New York City, who was known to him as Bill.[250] He said that Bill requested him to make a trip to the Soviet Union which he made in 1935.[251]

Inslerman said that, before departing for the Soviet Union, he was introduced to Bob, who he later learned was Whittaker Chambers.[252]

Inslerman declared that he traveled under an assumed name on the trip to the Soviet Union and that Bill paid the expenses of the trip.[253] He met Bill in Moscow clothed in a Russian military uniform.[254]

While in the Soviet Union he was trained in the use of a Leica camera[255] and in the operation of the International Code.[256] He went on to declare that before he left the Soviet Union, arrangements were made for him to continue his espionage contacts when he returned to the United States.[257] Upon his return and at the suggestion of Ben, his new Soviet espionage contact, he took courses at the RCA Institute in New York City[258] and moved from New York City to Baltimore in the early summer of 1936.[259]

Inslerman testified that he was contacted in Baltimore by Chambers who gave him some documents,[260] and that prior to supplying these documents the Soviet apparatus had given him a camera which was particularly suited to photographing documents.[261] He stated that the first time Chambers delivered documents to him was in late 1937 and that he photographed them.[262] Chambers subsequently delivered documents on five occasions.[263] They were Government documents

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[249] Public hearings, Subversion and Espionage in Defense Establishments and Industry, pt. 2, pp. 109–110.
[250] Ibid., pt. 2, p. 99.
[251] Ibid., pt. 2, p. 100.
[252] Ibid., pt. 2, p. 100.
[253] Ibid., pt. 2, p. 101.
[254] Ibid., pt. 2, p. 103.
[255] Ibid., pt. 2, p. 102.
[256] Ibid., pt. 2, p. 103.
[257] Ibid., pt. 2, p. 103.
[258] Ibid., pt. 2, p. 104.
[259] Ibid., pt. 2, p. 104.
[260] Ibid., pt. 2, p. 104.
[261] Ibid., pt. 2, p. 104.
[262] Ibid., pt. 2, p. 105.
[263] Ibid., pt. 2, p. 105.

and included the names of Ambassador Joseph C. Grew and Ambassador William C. Bullitt.[264]

Inslerman testified that in the late spring and early summer of 1938 he learned that Chambers had defected from the Soviet underground[265] and that he received this information after he opened a letter which he had been given to deliver to a Soviet contact in New York.[266] Inslerman said that he copied a part of the letter at the time and when contacted by the Federal Bureau of Investigation, after being subpenaed by the subcommittee,[267] he gave it to the Bureau. After he read the letter and copied part of its contents he passed it along to the Soviet underground[268] and it was this letter which eventually led to his own defection.[269]

It is interesting to observe that although Inslerman successfully carried on these espionage activities, at no time, according to his testimony, was he a member of the Communist Party.[270]

Results

1. Thirty-five employees of the Army Signal Corps, Fort Monmouth, were suspended on loyalty and security grounds. Eight of the thirty-five were subsequently discharged after hearings on charges before loyalty boards. Three additional employees who were under investigation resigned.

2. In addition the following individuals were suspended, discharged, or resigned after the subcommittee's investigation commenced:

Sylvia Berke, Board of Education, New York City
Leo Kantrowitz, Zenith Engineering Co., Newark, N. J.
Ruth Weiner Levine, Federal Telecommunication Laboratories
Joseph Levitsky, Tele King Corp., New York City
David L. Linfield, United States Army
Theodore G. Pappas, General Electric Co., Lynn, Mass.
Ernest Pataki, Cooper Union, New York City
Terry Rosenbaum*, Board of Education, New York City
Albert Shadowitz, Kay Electric Co., Pinebrook, N. J.
Bertha Cohen Singer*, Board of Education, New York City
Diana Moldover Wolman, Board of Education, New York City

Six additional Federal Telecommunication Laboratories employees were denied access to classified information. Four of these employees have resigned. The other two were cleared by the Eastern Industrial Personnel Board and have been reinstated. These employees were under investigation by the subcommittee and some had been interviewed by the staff.

The security department at Federal Telecommunication Laboratories had recognized its laxness in enforcing security. A new security program was instituted which has vigorously, but fairly, taken the necessary measures to prevent a recurrence of the situation which had permitted security risks to have access to classified information.

[264] Ibid., pt. 2, p. 105.
[265] Ibid., pt. 2, pp. 106–107.
[266] Ibid., pt. 2, p. 107
[267] Ibid., pt. 2, p. 107.
[268] Ibid., pt. 2, p. 109.
[269] Ibid., pt. 2, p. 109.
[270] Ibid., pt. 2, p. 99.
*Appeared in executive session only.

The Arma Corp. also terminated the employment of five employees after their security clearances were denied or revoked. All of these employees were under investigation by the subcommittee, and some had been interviewed by the staff.

3. The subcommittee achieved in 2 weeks what the commanding general at Fort Monmouth had been trying to achieve for 21 months; namely, the suspension of an accumulation of loyalty and security risks employed at the secret radar laboratories.

4. On October 14, 1954, Albert Shadowitz, a former employee of the Federal Telecommunication Laboratories, was indicted by a Federal grand jury, southern district of New York, for contempt of the United States Senate for refusing to answer questions concerning Communist activities when he appeared on December 16, 1953.

5. On December 17, 1954, Wendell H. Furry, an associate professor of physics at Harvard University, was indicted by a Federal grand jury in Boston for contempt of the United States Senate, when he appeared on January 14, 1954, for refusing to identify members of the Communist Party whom he knew as fellow employees on secret radar projects.

Conclusions

1. The Rosenberg spy ring successfully penetrated the Army Signal Corps and related private commercial establishments. This espionage ring took and obtained secrets from the Army Signal Corps and transmitted them to the Soviet Union.

The operation of the Rosenberg ring, which had as one of its purposes the obtaining of radar secrets for the Soviet Union, may, on the basis of available evidence, still be operating.

2. A secret Communist Party cell operated at the Federal Telecommunication Laboratories for a considerable number of years. One of its members had been associated with the Rosenberg spy ring. Some of its members were employed at the laboratories when subpenaed. Ruth Weiner Levine, an employee and cell member, actually had a top-secret clearance when subpenaed. Several other members of the cell had obtained employment at other equally sensitive private commercial establishments.

3. The shore branch of the Communist Party, sometimes known as the Shore Club, was organized in Monmouth County, N. J., for the purpose of infiltrating the secret radar laboratories at Fort Monmouth. The Communist Party successfully infiltrated the laboratories.

4. The Federal Bureau of Investigation and Army Intelligence repeatedly furnished information to the Army Signal Corps concerning individuals considered to be very dangerous to the security of this country. These loyalty and security risks were retained by the Army Signal Corps after complete facts had been furnished about them.

5. The responsible officials in charge of security matters were grossly negligent and incompetent in failing to take proper action in the cases of individuals where there was information that they were loyalty or security risks. The subcommittee was unable to ascertain from the Army at which echelon the removal of security risks was disapproved.

6. There was a lack of proper physical security at Fort Monmouth, which enabled employees to remove freely classified documents and information from the laboratories.

7. Army officials displayed an uncooperative and deceptive attitude when they deliberately stripped vital information from the personnel file of Aaron Hyman Coleman in an attempt to withhold this information from the subcommittee.

8. The employment of Communists in the Army Signal Corps and related private commercial establishments is a clear and present danger to the security of the United States regardless of the positions to which they are assigned.

Recommendations

1. The investigation of Communist subversion and espionage in the Army Signal Corps and its related private commercial establishments should be vigorously pursued by the subcommittee.

2. The United States Government should refuse to grant contracts to private commercial establishments which retain loyalty and security risks in their employ.

3. The Department of Defense should immediately propose adequate security regulations preventing the employment or retention of loyalty and security risks in establishments engaged in the national-defense program, regardless of the positions to which they are assigned.

4. The Defense Facilities Protection Act of 1954, which passed the Senate in the 83d Congress but failed to be enacted into law because of the adjournment of the House, should be reintroduced in the 84th Congress at the earliest opportunity, or other appropriate legislation should be introduced to provide the legislation necessary to protect our national defense efforts.

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84TH CONGRESS
1st Session

SENATE

REPORT
No. 231

ANNUAL REPORT

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

MADE BY ITS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

APRIL 25, 1955.—Ordered to be printed

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ORGANIZATION OF PERMANENT SUBCOMMITTEE ON INVESTIGATIONS DURING 83D CONGRESS, 2D SESSION

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The Democratic members of the Senate Permanent Subcommittee on Investigations were absent from the subcommittee from July 10, 1953 to January 25, 1954. That part of this report dealing with alleged Communist infiltration in the Army Signal Corps covers work and hearings that took place during that period of time. Therefore, we cannot accept either the credit or responsibility for that part of the report.

Regarding that part of this report dealing with the Army's handling of the Peress inquiry, it is our feeling that as that matter is presently under active investigation, a subcommittee report at this time would be premature.

JOHN L. MCCLELLAN.
HENRY M. JACKSON.
STUART SYMINGTON.

84TH CONGRESS
1st Session

SENATE

REPORT
No. 231

ANNUAL REPORT

APRIL 25, 1955.—Ordered to be printed

Mr. MCCARTHY, from the Committee on Government Operations, submitted the following

REPORT

MADE BY ITS PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

(This report was prepared for the period of the 83d Cong., 2d sess., under the chairmanship of Senator Joe McCarthy)

INTRODUCTION

Pursuant to the Legislative Reorganization Act of 1946, the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations is charged with investigating the operation of Government departments at all levels, with a view to determining their economy and efficiency.[1] Its jurisdiction and responsibility extends to more than 2,000 separate departments, agencies, and independent offices of the executive branch of Government and more than 2 million civilian employees. The cost of operating these various branches of Government was estimated at an excess of $67 billion for the calendar year 1954.

The staff and resources of the subcommittee are severely limited when contrasted with the magnitude of its jurisdiction and responsibility. The entire professional staff consisted of 8 lawyers and 6 investigators, and in the last quarter of the year the professional staff consisted of only 5 lawyers and 4 investigators. The staff is made up of individuals from both major political parties, most having had careers in the Federal Bureau of Investigation or the Department of Justice.

The budget of the subcommittee for the calendar year ending January 31, 1955 was $216,198.10. Nine thousand dollars of this

[1] Legislative Reorganization Act, 1946, Public Law 601, 79th Cong., 2d sess., subsec. (g) of rule XXV of the Standing Rules of the Senate:

"(g) (1) Committee on Expenditures in the Executive Departments • to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) Receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) Studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) Evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) Studying the intergovernmental relationships between the United States and municipalities, and between the United States and international organizations of which the United States is a member."

S. Res. 280, 82d Cong., 2d sess., agreed to March 3, 1952 (now designated "Committee on Government Operations.")

total was the unexpended balance carried over from the prior year. A special subcommittee, appointed on April 20, 1954, expended approximately $25,000 of the subcommittee's funds for its investigative activities. Senate Resolution 288, 83d Congress, 2d session, providing for the reimbursement of these funds, was reported favorably on July 28, 1954 but no action was taken and the subcommittee was not reimbursed for these extraordinary expenditures.

The investigative activities of the subcommittee covered many fields. Investigations were initiated through suggestions of members of the subcommittee, through information supplied by loyal Government employees, through interested citizens and through the alertness and the diligence of the subcommittee staff. Others were referred to the subcommittee by various agencies of the Government, and by private business concerns.

The subcommittee has the duty of exposing inefficiency, lack of economy, or wrongdoing of any kind on the part of individuals and agencies of the executive branch of Government. It has endeavored to inform the Senate of facts developed, to recommend corrective or preventive legislation whenever appropriate, to advise the agencies concerned of the areas requiring corrective and expeditious attention, and to keep the general public informed. The subcommittee is not charged with the function of administering the affairs of the executive departments, does not have the power to arrest, and cannot conduct a criminal trial which could result in convictions and prison sentences.

Investigations by the subcommittee have been conducted in accordance with the mandate found in the Legislative Reorganization Act. The practical function of a committee, such as this one, was cited by the Supreme Court in *U. S.* v. *Rumeley* (345 U. S. 41, 1953), when it quoted Woodrow Wilson:

> It is the proper duty of a representative body to look diligently into every affair of Government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function.

The major investigations conducted during 1954 embraced security conditions within the Department of the Army, the Department of Defense, and defense industries. Each of these major investigations is reported separately and in detail.

During the latter part of 1953 and through 1954, extensive hearings were conducted into the subject of subversion and espionage in the Army Signal Corps and related installations doing classified work for the Army Signal Corps. The subcommittee endeavored to determine whether espionage existed, whether security risks were employed in the Army Signal Corps and related installations, whether proper security regulations were in effect, whether proper action toward individuals with subversive affiliations was being taken by Army officials, and the extent of Communist penetration of strategic radar facilities.

Hearings were also conducted into the subject of Communist infiltration in the Army. This investigation and the resulting hear-

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ings disclosed that the Army had no consistent administrative procedures for the handling of individuals who invoked the privilege of the fifth amendment on their Army loyalty questionnaires or who invoked the same privilege before congressional committees. The cases of Irving Peress, Marvin Belsky, David Linfield, and Sidney Rubinstein demonstrated the improper administrative procedures that were in existence and brought about corrective actions on the part of the Department of Defense.

Information was received which indicated that members of the Communist Party were employed in defense industries which were engaged in manufacturing vital materials for various agencies of the Federal Government in connection with the defense effort. The products involved, many of which were of a highly classified nature, were in many instances for the military. Investigation was conducted to determine if Communists were employed in these defense industries, the extent of Communist penetration, and the adequacy of existing legislation and security regulations in protecting this country from the menace of communism.

A special subcommittee, under the chairmanship of Senator Charles E. Potter, continued its inquiry into the condition of American prisoners in Iron Curtain countries. The sentencing of the 11 United States airmen and 2 American civilians in Communist China, the request of the State Department, and the action of the United Nations General Assembly concerning the situation caused the subcommittee to defer further hearings.

Staff studies have continued in relation to policies and regulations affecting East-West trade since the subcommittee's interim report was issued on July 21, 1953.

Statistical Summary

A total of 23 executive and 19 public sessions were held throughout the year in Washington, D. C., Albany, Boston, and New York.

87 witnesses were examined in executive sessions.

59 witnesses were examined in public sessions.

600 approximate number of witnesses were interviewed by the staff.

38 witnesses invoked the fifth amendment in executive sessions.

35 witnesses invoked the fifth amendment in public sessions.

4 witnesses invoked the first amendment in executive and public sessions.

5 witnesses were cited for contempt by the Senate and subsequently indicted.

1 witness was cited for contempt by the Senate and will be referred to the United States attorney for the District of Columbia.

There were approximately 638 preliminary inquiries conducted and terminated without need for additional investigation. A total of 75 investigations were initiated during the year, and 114 investigations were completed and closed. In addition, many of the preliminary inquiries were disposed of through concurrent action with the departments and agencies concerned. In many other instances the complainants or the information they supplied was referred to the agency involved for its information and whatever action it deemed necessary.

The following is a list of the 35 individuals who, during appearances before the subcommittee in public session, invoked the protection of the fifth amendment in refusing to answer questions concerning Communist activities.

Robert P. Northrop, General Electric Co., Schenectady, N. Y	Feb. 19, 1954.
Mrs. Charlotte Oram, re Army Signal Corps	Feb. 24, 1954.
Arthur Lee Owens, General Electric Co., Schenectady, N. Y	Feb. 19, 1954.
Theodore G. Pappas, General Electric Co., Lynn, Mass	Jan. 16, 1954.
Lawrence W. Parrish, Bethlehem Steel Co., Quincy, Mass	Jan. 3, 1955.
Louis Passikoff, General Electric Co., Fitchburg, Mass	Aug. 12, 1954.
Selly Fannie Peek, re Army Signal Corps	Feb. 24, 1954.
Dr. Irving Peress, major, U. S. Army	Feb. 18, 1954.
Joseph Picucci, Bethlehem Steel Co., Inc., Bethlehem, Pa	Dec. 7, 1954.
Joseph Slater, Westinghouse Electric Corp., Pittsburgh, Pa	Jan. 2, 1955.
Maurice Slater, Ingersoll-Rand Co., Phillipsburg, N. J	Dec. 8, 1954.
Waino E. Suokko, General Electric Co., Fitchburg, Mass	Aug. 12, 1954.
John Szabo, Bethlehem Steel Co., Inc., Bethlehem, Pa	Dec. 7, 1954.
Theodore Wright, Westinghouse Air Brake Co., Pittsburgh, Pa	Jan. 3, 1955.
Benjamin Alfred, General Electric Co., Lynn, Mass	Jan. 16, 1954.
Harold C. Allen, Lehigh Foundries, Inc., Easton, Pa	Dec. 8, 1954.
John Ault, Bethlehem Steel Co., Inc., Bethlehem, Pa	Dec. 8, 1954.
John Babirak, Bethlehem Steel Co., Inc., Bethlehem, Pa	Dec. 8, 1954.
Gordon Belgrave, General Electric Co., Schenectady, N. Y	Feb. 19, 1954.
Dr. Marvin S. Belsky, private, U. S. Army	Mar. 4, 1954.
Victor Bolys, General Electric Co., Lynn, Mass	Jan. 16, 1954.
Dewey F. Brashear, General Electric Co., Schenectady, N. Y	Feb. 20, 1954.
Harold K. Briney, Westinghouse Air Brake Co., Pittsburgh, Pa	Jan. 3, 1955.
Emanuel Fernandez, General Electric Co. Schenectady, N. Y	Feb. 19, 1954.
Sidney Friedlander, General Electric Co., Schenectady, N. Y	Feb. 19, 1954.
Joseph A. Gebhardt, General Electric Co., Schenectady, N. Y	Feb. 19, 1954.
Alexander Gregory, General Electric Co., Lynn, Mass	Jan. 16, 1954.
William L. Heiston, Jr., Westinghouse Electric Corp., Pittsburgh, Pa.	Jan. 3, 1955.
Alvin J. Heller, Luria Engineering Co., Bethlehem, Pa	Dec. 8, 1954.
Diantha Hoag,* Westinghouse Electric Corp., Buffalo, N. Y	Aug. 6, 1954.
Leo Kantrowitz, Federal Telecommunication Laboratories, Nutley, N. J. (past employee).	Mar. 10, 1954.
David Linfield, private, U. S. Army	Mar. 1, 1954.
Joseph O. Mattson, General Electric Co., Fitchburg, Mass	Aug. 12, 1954.
Frank Mason McGee, Federal Telecommunication Laboratories, Nutley, N. J. (past employee).	Mar. 5, 1954.
Waino S. Nisula, General Electric Co., Fitchburg, Mass	Aug. 12, 1954.

* Executive session testimony of Aug. 6, 1954, made public Jan. 3, 1955.

Witnesses who refused to answer questions by invoking the first amendment in public sessions:

John Ault, Bethlehem Steel Co., Inc., Bethlehem, Pa	Dec 8, 1954.
Alexander Gregory, General Electric Co., Lynn, Mass	Jan. 16, 1954.
Leon J. Kamin, research assistant, Harvard University	Jan. 15, 1954.
Theodore G. Pappas, General Electric Co., Lynn, Mass	Jan. 15, 1954.

Army Signal Corps—Subversion and Espionage

Early in 1953 the subcommittee received detailed information concerning infiltration of the Army Signal Corps by individuals with subversive backgrounds. The chairman was furnished with a condensation of a report containing the names of 34 individuals. It revealed that subversion and possible espionage existed at the secret radar laboratories at Fort Monmouth, N. J. The subcommittee also learned that as early as 1949 and through April 1953 the Federal Bureau of Investigation had repeatedly called to the attention of Army Intelligence

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information concerning subversives in the Army Signal Corps. These repeated warnings were neglected, and, as a result, individuals with subversive backgrounds who were possibly engaged in espionage were permitted to remain as employees in highly sensitive installations doing work of a classified nature for the Army Signal Corps.

The extent of subversive infiltration into the Army Signal Corps was revealed by the Department of the Army when it announced that since the subcommittee started its investigation a total of eight individuals were discharged from Fort Monmouth after hearings on charges before Army loyalty boards. Three additional Fort Monmouth employees who had been suspended resigned.[2]

The subcommittee alerted the American people to the serious conditions which have existed in the Army Signal Corps for many years. It was only after our investigation had commenced that 35 individuals were suspended on security grounds from Fort Monmouth. It is most significant that of these 35, 8 have been discharged and 3 have resigned.[3]

Executive hearings commenced in August 1953, and 126 witnesses were heard. Forty-one of these invoked the protection of the fifth amendment when interrogated about subversive activities. Over 200 staff interviews were conducted. The initial public testimony was taken on October 22, 1953. A total of 39 witnesses were heard in public session. Twenty-six of these invoked the protection of the fifth amendment on questions relating to subversive activity—some as to communism, some as to espionage.

The subcommittee's investigation established that the Rosenberg spy ring took and obtained secrets from the Army Signal Corps and transmitted them to Russia.[4] Julius Rosenberg, Ethel Greenglass Rosenberg, Joel Barr, Vivian Glassman Pataki, Alfred Sarant, Morton Sobell, and David Greenglass were active members of this spy ring. Ethel Greenglass Rosenberg was the only member of this group who was not employed by the Army Signal Corps at Fort Monmouth or by some highly sensitive private commercial establishment.

Investigation proved that there had been a very active secret Communist Party cell at the Federal Telecommunication Laboratories, Nutley, N. J. The laboratories had and have highly classified contracts with the Army Signal Corps.

Peter Gragis, a former member of the Communist Party, was employed at the Federal Telecommunication Laboratories from 1945 to 1950. He identified the following former or then current employees of the laboratories as members of the secret Communist Party cell which operated there: Harry Hyman, Ernest Pataki, Frank Mason McGee, Ruth Weiner Levine, John Saunders, Leo Kantrowitz, Albert Shadowitz, and Harriman Dash.[5] John Saunders, an employee of the Federal Telecommunication Laboratories, corroborated the Gragis testimony.[6]

Investigation developed that the Communist Party organized the Shore Branch, also referred to as the Shore Club, of the Communist Party in Monmouth County, N. J. for the specific purpose of infiltrating the secret Army Signal Corps laboratories at Fort Monmouth.

[2] Memorandum, Department of the Army, Office of the Chief of Legislative Liaison, to James N. Juliana, acting executive director, Senate Permanent Subcommittee on Investigations, December 22, 1953.
[3] Ibid.
[4] Public hearings, Army Signal Corps, Subversion and Espionage, pt. 1, p. 14.
[5] Ibid., pt. 9, pp. 378-379; pt. 10, pp. 411-412, 427, 434.
[6] Ibid., pt. 10, p. 463.

Louis Kaplan, Joseph Percoff, and Marcel Ullmann, all former Fort Monmouth employees, invoked the privilege of the fifth amendment concerning their activities with this Communist organization.

The following results were achieved as a consequence of the subcommittee's investigation:

(1) Thirty-five employees of the Army Signal Corps Fort Monmouth, were suspended on loyalty and security grounds. Eight of the thirty-five were subsequently discharged after hearings on charges before loyalty boards. Three additional employees who were under investigation resigned.

(2) Six additional Federal Telecommunication Laboratories employees were denied access to classified information. Four of these employees have resigned. The other two were cleared by the Eastern Industrial Personnel Security Board and have been reinstated. These employees were under investigation by the subcommittee and some had been interviewed by the staff.

The Security Department at Federal Telecommunication Laboratories had recognized its laxness in enforcing security. A new security program was instituted which has vigorously, but fairly, taken the necessary measures to prevent a recurrence of the situation which had permitted security risks to have access to classified information.

(3) The Arma Corp. also terminated the employment of five employees after their security clearances were denied or revoked. All of these employees were under investigation by the subcommittee, and some had been interviewed by the staff.

(4) The subcommittee achieved in 2 weeks what the Commanding General at Fort Monmouth had been trying to achieve for 21 months: The suspension of an accumulation of loyalty and security risks employed at the secret radar laboratories.

On the basis of available evidence, the subcommittee reached the following conclusions:

(1) The Rosenberg spy ring successfully penetrated the Army Signal Corps and related private commercial establishments. This espionage ring took and received secrets from the Army Signal Corps and transmitted them to the Soviet Union.

The operation of the Rosenberg ring, which had as one of its purposes the obtaining of radar secrets for the Soviet Union, may, on the basis of available evidence, still be operating.

(2) A secret Communist Party cell operated at the Federal Telecommunication Laboratories for a considerable number of years. One of its members had been associated with the Rosenberg spy ring. Some of its members were employed at the Laboratories when subpenaed. Ruth Weiner Levine, an employee and cell member, actually had a top-secret clearance when subpenaed. Several other members of the cell had obtained employment at other equally sensitive private commercial establishments.

(3) The Federal Bureau of Investigation and Army Intelligence repeatedly furnished information to the Army Signal Corps concerning individuals considered to be very dangerous to the national security. These loyalty and security risks were retained by the Army Signal Corps after complete facts had been furnished about them.

(4) The responsible officials in charge of security were grossly negligent and incompetent in failing to take proper action concerning indi-

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viduals about whom there was information establishing that they were loyalty or security risks.

(5) There was a lack of proper physical security at Fort Monmouth which enabled employees to remove freely classified documents and information from the Laboratories.

(6) Army officials displayed an uncooperative and deceptive attitude when they deliberately stripped vital information from the personnel file of Aaron Hyman Coleman, a former Fort Monmouth employee, in an attempt to withhold the information from the subcommittee.

(7) The employment of Communists in the Army Signal Corps and related private commercial establishments is a clear and present danger to the security of the United States regardless of the positions to which they are assigned.

The subcommittee made the following recommendations:

(1) The investigation of Communist subversion and espionage in the Army Signal Corps and its related private commercial establishments should be vigorously pursued by the subcommittee.

(2) The United States Government should refuse to grant contracts to private commercial establishments which retain loyalty and security risks in their employ.

(3) The Department of Defense should immediately propose adequate security regulations preventing the employment or retention of loyalty and security risks in establishments engaged in the national defense program regardless of the positions to which they are assigned.

(4) The Defense Facilities Protection Act of 1954, which passed the Senate in the 83d Congress but failed to be enacted into law because of the adjournment of the House, should be reintroduced in the 84th Congress at the earliest opportunity, or other appropriate legislation should be introduced to provide the legislation necessary to protect our national defense effort.

Communist Infiltration in the Army—Inconsistent Procedures Affecting Subversives

A series of hearings were conducted into the subjects of Subversion and Espionage in the Army Signal Corps and Communist Infiltration in the Army. These hearings demonstrated that the Department of the Army was inconsistent in its handling of cases involving fifth amendment Communists.

Private David LaPorte Linfield was inducted into the Army under the general draft law. Prior to his induction he had been employed at the Federal Telecommunication Laboratories, Nutley, N. J., where he was cleared for access to secret material. Upon induction, Linfield invoked the fifth amendment in refusing to answer questions on his Army loyalty questionnaire regarding Communist or subversive affiliations.

When Linfield appeared before the subcommittee on December 16, 1953, and March 1, 1954, he was an Army private. On both occasions he invoked the fifth amendment on all questions dealing with Communist Party activities.[7]

Linfield was retained in the Army until September 24, 1954, when, several months prior to the completion of his term of service, he was given a general discharge.

[7] Ibid., pt. 6, pp. 247-252; pt. 9, pp. 355-369.

Sidney Rubinstein was inducted into the Army on November 17, 1952, as a private under the general draft law. On November 20, 1952, he executed Department of Defense loyalty forms and admitted he had been a Communist and a member of other subversive organizations from 1945 to 1948. In September 1953 Rubinstein was asked to execute a second loyalty form. At this point he requested the opportunity of signing a qualified form admitting, as he had previously done, past subversive affiliations. This opportunity was not made available to him, and he therefore had no alternative but to invoke the fifth amendment. He was assigned to infantry training and subsequently was scheduled for assignment to a radar unit which required a secret clearance. This clearance was never granted. He received a general discharge prior to the completion of his term of service.[8]

Rubinstein testified on March 1, 1954, after he had been discharged. He did not invoke the fifth amendment but admitted past affiliations.[9] He was completely cooperative with the subcommittee and with other governmental agencies.

Marvin Sanford Belsky, a doctor from New York City, was inducted into the Army on February 5, 1953, as a private under the general draft law. He had been denied a commission after invoking the protection of the fifth amendment in refusing to answer questions concerning membership in subversive organizations. These questions appeared on the Army loyalty questionnaire which he completed as part of his application for commission.[10]

When he appeared before the subcommittee on March 4, 1954, Belsky was a private assigned to the Army's Murphy General Hospital, Waltham, Mass., where he treated patients from the secret radar Lincoln project, and performed routine medical assignments.

When he appeared, Belsky invoked the protection of the fifth amendment in response to questions relating to Communist Party affiliations and subversive activities.[11]

Belsky was promoted to corporal on September 21, 1954. An inquiry was made of the Department of the Army into the circumstances of this promotion on January 10, 1955. The Army replied on January 12, 1955, that the promotion of Belsky was improper and that instructions were issued to demote Belsky to private on January 11, 1955. The commanding officer of Murphy General Hospital was reprimanded for failure to comply with existing directives and the improper promotion. Belsky received a general discharge on February 4, 1955, at the expiration of his term of service.

In testimony before the Senate Armed Services Committee on March 18, 1954, Secretary of the Army Robert T. Stevens stated that a person who invoked the fifth amendment in response to questions relating to their association with Communist or subversive organizations, or who failed to satisfactorily complete a loyalty questionnaire, would receive an administrative discharge under conditions other than honorable. No such action has been taken in the Belsky case.

Irving Peress, a dentist from New York City, applied for a commission in the Army under the Doctor Draft Act in May 1952. As

[8] Ibid., pt. 9, p. 369.
[9] Ibid., pt. 9, pp. 460–373.
[10] Public hearings, Communist Infiltration in the Army, pt. 3, pp. 159–178; public hearings, Armed Services Committee, Doctor Draft Act Amendments, April 1, 1954, pp. 124–125.
[11] Public hearings, Communist Infiltration in the Army, pt. 3, pp. 159–178

a part of his application he certified that he was not and had never been a member of any foreign or domestic organization, association, movement, group, or combination of persons which advocated a subversive policy or sought to alter the form of Government of the United States by unconstitutional means. He was appointed a captain in the Dental Corps and took his oath of office on October 15, 1952. He executed Department of Defense loyalty forms on which he invoked the protection of the fifth amendment in refusing to answer questions relating to membership in subversive organizations.[12]

Peress reported for active duty on January 1, 1953. After 4 weeks of basic training he was ordered to Fort Lewis, Wash., for assignment to the Far East Command, Yokohama, Japan. While awaiting shipment overseas, he received emergency leave because of an alleged family illness and subsequently was reassigned to Camp Kilmer, N. J. His orders assigning him to the Far East Command were rescinded.[13]

In August 1953, while at Camp Kilmer, he again invoked the protection of the fifth amendment in refusing to answer questions concerning Communist Party activities which appeared on an Army interrogatory. He thereafter applied for and received a promotion from captain to major, effective November 2, 1953.

In late 1953 and in early January 1954, the Department of the Army was advised of the subcommittee's interest in the case. No action was taken until January 18, 1954, when an order was issued directing that Peress be given an honorable discharge at the earliest practicable date, depending upon Peress' desires, and he selected March 31, 1954.

Peress testified before the subcommittee in executive session on January 30, 1954. He invoked the protection of the fifth amendment in refusing to answer all questions concerning past or present membership in the Communist Party and Communist Party activities.[14] On February 1, 1954, Peress discussed his situation with Brig. Gen. Ralph W. Zwicker, commanding general, Camp Kilmer.[15]

The chairman caused to be delivered by hand a letter to the Office of the Secretary of the Army, which was received by John G. Adams, Department Counselor, on February 1, 1954. The letter requested that court-martial proceedings be immediately instituted against this fifth amendment Communist major and that a thorough investigation be made into the whole Peress situation.[16] John Adams and other Pentagon officials reviewed the letter on February 1, 1954, and Adams and Lt. Gen. Walter L. Weible, Deputy Chief of Staff for Operations and Administration, decided that Peress should be honorably discharged as expeditiously as possible. The following day, February 2, 1954, Peress received an honorable discharge from the commanding general, Camp Kilmer, N. J.

In public testimony on February 18, 1954, Miss Ruth Eagle, a policewoman for the New York City Police Department who held membership in the Communist Party as an undercover agent for the police department, testified that she knew Irving Peress and his wife, Elaine Peress, to be members of the Inwood Victory Club of the Communist

[12] Ibid., pt. 3, pp. 108, 114–115.
[13] Ibid., pt. 3, pp. 109–112.
[14] Ibid., pt. 3, pp. 107–115.
[15] Ibid., pt. 3, pp. 125–126.
[16] Ibid., pt. 3, pp. 133–134.

Party. She testified that Peress attended the leadership training course of the Communist Party.[17]

Peress testified in public session on February 18, 1954, and again invoked the protection of the fifth amendment.[18]

Commencing with the chairman's letter of February 1, 1954, repeated requests were made of the Department of the Army for the names of the individuals responsible for the promotion, honorable discharge, and favorable personnel action taken in the Peress case. On February 24, 1954, the Secretary of the Army agreed to have the Inspector General make a complete investigation after which he would furnish the subcommittee with the names of everyone involved.[19] A list of 30 officers who took an active part in the personnel actions of this fifth amendment Communist was made available in June 1954. This list did not contain the names of John G. Adams and Lt. Gen. Walter L. Weible. On January 7, 1955, the Secretary of the Army made public a chronology of the military record of Peress and included the names of 62 individuals who had processed personnel actions concerning Peress.[20] This later chronology for the first time included the names of John G. Adams and Lt. Gen. Walter L. Weible, and reported that these two officials made the decision on the night of February 1, 1954, that Peress should be honorably discharged as expeditiously as possible.

The inconsistencies and fallacies in the Department of the Army's handling of these four cases were clearly recognized in subsequent developments.

On March 4, 1954, President Dwight D. Eisenhower stated that the Army made serious errors in handling the Peress case, and that the Army was correcting its procedures to avoid such mistakes in the future.

On March 8, 1954, the chairman forwarded to the Attorney General the testimony received during the Peress hearing and requested that a determination be made as to whether Peress had violated the false statement statute or any other Federal statute in executing his loyalty form when he stated that he was not and had never been a member of any foreign or domestic organization, association, movement, group or a combination of persons who advocated a subversive policy or sought to alter the form of Government of the United States by unconstitutional means.

On March 31, 1954, Secretary of Defense Charles E. Wilson revealed that Peress' promotion and honorable discharge stemmed from improper administrative handling of the case; that Peress should not have been commissioned and would not be commissioned under present regulations; that since he should never have been commissioned in the first place, he should not have been promoted while he was being investigated.

In connection with the honorable discharge of Peress, Secretary Wilson said:

> My review of all of the available facts in this case makes it apparent that this judgment was faulty.[21]

[17] Ibid., pt. 3, p. 121.
[18] Ibid., pt. 3, pp. 123-143.
[19] Report, dated August 30, 1954, Special Subcommittee on Investigations of the Committee on Government Operations (Mundt subcommittee), appendix 12, p. 120.
[20] Congressional Record, January 10, 1955, vol. 101, No. 3, pp. 139-147.
[21] Public hearings, Senate Armed Services Committee, Doctor Draft Act Amendments, April 1, 1954, p. 125.

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Secretary of the Army Stevens testified on July 15, 1954, that any person known to be disloyal or subversive will not knowingly be taken into the service either in a commissioned or enlisted grade; that a person in the service found to be disloyal or subversive will be discharged; and that if any person while in the service commits subversive acts, he will be court martialed.[22]

The following corrective actions have been taken, according to the testimony of Department of Defense officials, as a direct result of the exposures of the subcommittee:

(1) On February 17, 1954, the Department of the Army directed the administrative discharge under conditions other than honorable of individuals who invoked the protection of the fifth amendment in refusing to answer questions relating to their association with communistic or subversive organizations, or who failed to complete satisfactorily a loyalty questionnaire.

(2) Department of Defense Directive 5210.9, which became effective April 7, 1954, sets forth uniform procedures and policies for the disposition of all cases of doubtful loyalty within the Armed Forces.

(3) On April 8, 1954, the Department of Defense issued a directive requiring review of all cases which had been cleared prior to the issuance of the Department of Defense directive on the military security program.

(4) On April 8, 1954, the Department of Defense issued a directive to the effect that all personnel records and all investigative records in regard to personnel involved in security cases were to be correlated without delay in each of the military departments to insure that all the facts are available for the prompt and fair administration of such cases.

(5) The Department of the Army established a new system of correlating information in personnel files and files of the Intelligence Division by establishing a "flagging" procedure to prevent favorable personnel action.

(6) On June 23, 1954, a Department of Defense directive was issued establishing the position of a civilian coordinator or expediter of security programs within the Department.

(7) The three armed services have been directed to take necessary steps to insure uniform procedures with respect to methods, procedures, safeguards, and administration of their records.

(8) Public Law 403, chapter 307, 83d Congress, 2d Session (68 Stat. 254):

S. 3096

AN ACT To further amend section 4 of the Act of September 9, 1950, in relation to the utilization in an enlisted grade or rank in the Armed Forces of physicians, dentists, or those in an allied specialist category

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 4 of the Act of September 9, 1950 (64 Stat. 838), as that section was amended by section 3 of the Act of June 29, 1953 (67 Stat. 87), is amended by adding the following proviso at the end thereof: "*Provided*, That any person heretofore or hereafter inducted or ordered to active duty under the authority of this Act who fails to qualify for, or to accept, a commission or whose commission is terminated may be utilized in his professional capacity in an enlisted grade or rank."

Approved June 18, 1954.

[22] Ibid., p. 73.

(9) On September 24, 1954, Pvt. David LaPorte Linfield received a general discharge from the United States Army. At the time of his discharge he still had several months of his original term of military service to complete.

(10) On February 4, 1955, Pvt. Marvin Belsky received a general discharge at the completion of his term of service.

The subcommittee found:

(1) The Department of the Army had no consistent administrative procedures for the handling of fifth amendment Communist cases.

(2) The Department of the Army officials, and particularly John G. Adams and Lt. Gen. Walter L. Weible, exhibited a contemptuous attitude when they disregarded the chairman's letter of February 1, 1954, and expeditiously granted Irving Peress an honorable discharge on February 2, 1954.

(3) The Secretary of the Army demonstrated an uncooperative attitude and hindered the legislative branch in the pursuit of its constitutional duties and prerogatives when he failed to furnish as requested the names of all individuals responsible for the favorable handling, promotion, and honorable discharge of fifth amendment Communist Peress when they were initially available to him.

(4) The Secretary of the Army deliberately deceived the Congress and the American people by refraining from furnishing a complete list of those officials involved in the Peress case when he instead furnished a list omitting the names of those primarily responsible.

(5) There was gross negligence and dereliction of duty on the part of the Army personnel who handled these fifth amendment Communist cases.

(6) The provisions of the doctor draft law were inadequate as to the military's authority to order doctors and dentists to serve in an enlisted status where a commission had been denied because of failure to qualify under loyalty standards. The Department of the Army failed to make any recommendation for corrected legislation until these conditions were exposed by the subcommittee.

(7) Existing directives in the Department of Defense were inadequate for the processing of loyalty and security cases. This resulted in allowing persons of known, questionable, and subversive backgrounds to be commissioned, promoted, and honorably discharged.

(8) The administration of the files by the Department of the Army was faulty and inadequate. No provision had been made whereby information in the personnel files and in the files of the Intelligence Division would be correlated.

The subcommittee recommended that the Congress make a further study and review of the Department of Defense directives and implementing regulations to determine if they were adequate to prevent favorable personnel actions concerning persons of known or questionable subversive backgrounds.

Subversion and Espionage in Defense Establishments and Industry

During 1954 the subcommittee continued its investigation of Communists in defense plants. Since the security of our country depends to a great extent both on the full utilization of our industrial facilities and the protection of military secrets being handled within such

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establishments, the investigation of Communist infiltration was pursued to determine the extent of Communist penetration and the adequacy of existing legislation and security regulations. The importance of the work being done as it relates to the security of the United States is indicated by the fact that such plants are engaged in producing critical defense items including ammunition, aircraft, submarine parts, radar equipment, diesel engine parts, turbines, armor, test hoods, and rectifiers [23] for the Army, Navy, and Air Force.

It was clearly established that for many years the Communist Party has attempted to colonize and control basic industries in the United States and has successfully placed Communists in facilities manufacturing critical items for the defense of the United States.[24] It was also determined that in all basic industries the Communist Party carried out intelligence operations on a national level. The Communist employees within a defense plant channeled information received concerning various operations through branch meetings to a district commission where it was correlated and then forwarded to the Communist Party National Commission.[25]

Forty-four witnesses testified in public session, nine of whom were cooperative. Twenty-eight witnesses were defense plant employees who publicly invoked the fifth amendment in refusing to answer questions relating to Communist Party activities.[26] One invoked the fifth amendment as to current espionage activities. A 29th witness, Diantha D. Hoag, invoked the fifth amendment in executive session as to Cummunist Party membership.[27] Her testimony was made public by the subcommittee on January 3, 1955.[28] Because of the improper use of the fifth amendment by this witness, the Senate cited her for contempt.[29]

Leon J. Kamin and Wendell H. Furry were two witnesses who admitted previous Communist Party membership. They were indicted by a Federal grand jury on December 17, 1954, for contempt of the Senate. This was based on Kamin's refusal to identify persons known to him to be Communists who were working in defense plants and Furry's refusal to name at least six members of the Communist Party whom he knew to have been formerly employed on secret radar projects.[30]

Eight additional employees of defense installations were publicly identified under oath by former Federal Bureau of Investigation undercover informants in the Communist Party as Communist Party members. These eight individuals have been subpenaed but have not as yet testified in public session because of various personal situations. Three of the eight, Evelyn Darin, Alfred L. Oyler, and Arminio Sardoch, are employed by Westinghouse Electric Corp., Pittsburgh, Pa.; [31] two, Eine E. Lahti and Helen Jundelin, are employed by General Electric, Fitchburg, Mass.; [32] one, Markus Kalasz, is working for Bethlehem Steel Co., Bethlehem, Pa.; [33] and two, Edwin Garfield

[23] Interim report, Subversion and Espionage in Defense Establishments and Industry, pp. 5-10.
[24] Ibid., pp. 1-2.
[25] Public hearings, Subversion and Espionage in Defense Establishments and Industry, pt. 4, pp. 188, 189.
[26] See p. 4 this report.
[27] See p. 1 this report; hearings, Subversion and Espionage in Defense Establishments and Industry, pt. 2, p. 92.
[28] Public hearings, Subversion and Espionage in Defense Establishments and Industry, pt. 6, p. 283.
[29] S. Res. 31, 84th Cong., 1st sess.
[30] Interim report, Subversion and Espionage in Defense Establishments and Industry, pp. 10 and 11.
[31] Ibid., p. 9.
[32] Ibid., pt. 3, pp. 146-147.
[33] Ibid., pt. 3, pp. 130, 143-144.

and Charles Wojchowski, are employees of Allis-Chalmers, Boston, Mass.[34]

Fifth amendment Communists employed at the following defense plants testified: General Electric Co., Schenectady, N. Y.; General Electric Co., Lynn, Mass.; General Electric Co., Fitchburg, Mass.; Bethlehem Steel Co., Bethlehem, Pa.; Luria Engineering Co., Bethlehem, Pa.; Lehigh Foundries, Inc., Easton, Pa.; Westinghouse Electric Corp., Buffalo, N. Y.; Ingersoll-Rand Co., Phillipsburg, N. J.; Federal Telecommunication Laboratories, Nutley, N. J.; Zenith Engineering Co., Newark, N. J.; Westinghouse Electric Corp., Pittsburgh, Pa.; Westinghouse Air Brake Co., Pittsburgh, Pa.; and Bethlehem Steel Co., Fore River Shipyards, Quincy, Mass.

During 1954 the subcommittee was precluded from holding extensive public hearings and exposing fifth amendment Communists in other key defense installations because of prolonged interruptions diverting the subcommittee from this important work.

All of the witnesses who invoked the privilege of the fifth amendment were physically employed within these plants. Two of these fifth amendment Communists, Leo Kantrowitz and Louis Passikoff, had been cleared for access to classified information ranging from confidential to top secret.[35] A top secret clearance permits access to the most important secrets the Government possesses.

It was established that there were no Defense Department security regulations which orders the discharge of an employee with a known subversive background from defense facilities when the employee is engaged on unclassified work.[36]

The General Electric Co. continued the policy which it had formulated as a result of the subcommittee's hearings in 1953. This policy provides for the immediate suspension of any employee who either invokes the fifth amendment as to Communist activity in public session before a congressional committee or, having been identified as a Communist in a public session before a congressional committee, declines to testify before such committee concerning Communist affiliations.

Twenty-seven employees of these defense establishments who appeared before the subcommittee and invoked the fifth amendment on the question of Communist activities and related activities were subsequently discharged, suspended, or resigned.[37] This action by the various facilities involved indicates that the policy formulated by the General Electric Co. has established a pattern for defense industries.

That Communists are currently employed in such vital defense establishments seriously jeopardizes the security of the United States. The resultant suspension, discharge or resignation of employees who appeared before the subcommittee and invoked the fifth amendment is sufficient proof of the paramount need for legislation and security regulations adequate to protect the country from espionage and sabotage.

On August 17, 1954, the Senate approved the Defense Facilities Protection Act of 1954, and it was then referred to the House. It

[34] Ibid., pt. 3, pp. 129-130.
[35] Public hearings, Army Signal Corps—Subversion and Espionage, pt. 10, pp. 414-425; hearings, Subversion and Espionage in Defense Establishments and Industry, pt. 3, p. 162.
[36] Hearings, Armed Services Security Cases, Senate Armed Services Committee, July 15, 1954, pp. 12-13, 80.
[37] See p. 15 this report.

did not reach the House floor before adjournment, and as a consequence it did not become law. This act authorizes the Federal Government to guard strategic defense facilities against individuals disposed to commit acts of subversion, sabotage, or espionage. It specifically dealt with the problem of defense facilities, even though these establishments have no classified contracts, and it was directed toward protecting the industrial economy and productive capabilities of our country and hence enhancing its military effectiveness.

The following action was taken against individuals who appeared before the subcommittee and invoked the fifth amendment as to Communist activities:

Victor Bolys	Discharged—General Electric Co., Lynn, Mass.
Alexander Gregory	Do.
Theodore Pappas	Do.
Sidney Friedlander	Discharged—General Electric Co., Schenectady, N. Y.
Robert P. Northrop	Do.
Arthur L. Owens	Do.
Joseph A. Gebhardt	Do.
Emanuel Fernandez	Do.
Gordon Belgrave	Do.
Dewey F. Brashear	Do.
Leo Kantrowitz	Resigned—Zenith Engineering Co., Newark, N. J.
Diantha Hoag	Discharged—Westinghouse Electric Corp., Buffalo, N. Y.
Louis Passikoff	Discharged—General Electric Co., Schenectady, N. Y.
Joseph O. Mattson	Discharged—General Electric Co., Fitchburg, Mass.
Waino E. Suokko	Do.
Waino S. Nisula	Do.
Joseph Picucci	Discharged—Bethlehem Steel Co., Inc., Bethlehem, Pa.
John Szabo	Do.
John Ault	Do.
John Babirak	Discharged and reinstated conditionally after agreeing under oath before a company hearing to cooperate fully with the subcommittee—Bethlehem Steel Co., Inc., Bethlehem, Pa.
Alvin J. Heller	Discharged—Luria Engineering Co., Bethlehem, Pa.
Harold C. Allen	Discharged—Lehigh Foundries, Inc., Easton, Pa.
Maurice Slater	Discharged—Ingersoll-Rand Co., Phillipsburg, N. J.
Joseph Slater	Discharged—Westinghouse Electric Corp., Pittsburgh, Pa.
Arminio H. Sardock	Do.
William L. Heiston, Jr.	Do.
Alfred L. Oyler	Do.
Evelyn O. Darin	Do.
Harold K. Briney	Discharged—Westinghouse Air Brake Co., Pittsburgh, Pa.
Theodore Wright	Do.

The subcommittee made four findings:

(1) The Communist Party has successfully infiltrated national defense industries and is in a position to acquire vital information concerning our military secrets and our military effectiveness.

(2) The employment of Communists in defense facilities, even though they are not actually working on classified material, is a clear and present danger to our national security.

(3) There is no existing legislation which specifically orders the removal of Communists from establishments producing materials for the defense of this country to those cases where the Communist is engaged on unclassified work.

(4) There are no Department of Defense security regulations which prevent the employment of Communists in or their removal from national defense plants where the Communist employee is engaged in unclassified work.

The subcommittee recommended that adequate legislation be prepared and introduced as soon as possible to protect our defense effort, and that the Department of Defense prepare proper security regulations preventing the employment and ordering the removal of Communists from facilities producing materials under the national defense program, regardless of whether the employment is in connection with classified work.

Contempts and Other Matters Referred to the Department of Justice

Numerous cases were referred to the Department of Justice for review and possible prosecution. Five of these cases have resulted in indictments against persons who were witnesses before the subcommittee.

Corliss Lamont, author and philosophy lecturer at Columbia University, testified before the subcommittee on September 23, 1953, during the Army indoctrination investigation, at which time he refused to answer certain questions. He was indicted by a Federal grand jury, southern district of New York, on October 14, 1954, for contempt of the United States Senate. His trial is pending.

Albert Shadowitz, a former Federal Telecommunication Laboratories employee, appeared before the subcommittee on December 16, 1953, in connection with the investigation of espionage and subversion in the Army Signal Corps. He was indicted by a Federal grand jury, southern district of New York, on October 14, 1954, for contempt of the United States Senate. He had refused to answer questions concerning Communist Party activity. His trial is pending.

Abraham Unger, a New York City attorney, was a witness before the subcommittee on September 15 and 17, 1953, during the investigation into security in the United Nations. He persistently refused to answer questions concerning Communist activities. He was indicted by a Federal grand jury, southern district of New York, on October 14, 1954, for contempt of the United States Senate. His trial is pending.

Wendell H. Furry, an associate professor of physics at Harvard University who formerly invoked the fifth amendment before this subcommittee, testified before the subcommittee in Boston on January 15, 1954. At that time he admitted that he had been a member of a Communist group at Harvard, but he refused to name at least six members of the Communist Party whom he knew to have been employed on secret radar work. In refusing to answer questions he did not invoke any constitutional privilege. Furry was indicted by a Federal grand jury, Boston, on December 17, 1954, for contempt of the United States Senate in refusing to furnish this information. His trial is pending.

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Leon J. Kamin was a research assistant at Harvard University at the time he appeared before the subcommittee. He is now teaching at McGill University, in Montreal, Canada. He admitted that he had been a member of the Communist Party from November 1945 until January 1946, and from November 1947 until late summer or early fall 1950. Kamin refused to answer questions concerning the identity of individuals he knew to be Communists who were employed in defense work. Kamin was indicted by a Federal grand jury, Boston, for contempt of the United States Senate on December 17, 1954, for refusing to answer these questions. His trial is pending.

Diantha Hoag, an employee of Westinghouse Electric Corp., Buffalo, N. Y., testified in executive session on August 6, 1954. Her testimony was made public on January 3, 1955. She invoked the fifth amendment as to membership in the Communist Party. She initially denied that she had ever or was presently engaged in espionage, but subsequently in response to questions relating to possible espionage activities, she invoked the fifth amendment. Because of her improper use of the fifth amendment she was cited for contempt by the Senate on February 4, 1955.

Testimony of four defense-plant employees, all of whom invoked the fifth amendment as to Communist Party activities, was forwarded to the Department of Justice on September 1, 1954, for possible contempt of the United States Senate based upon testimony which possibly constituted a waiver of the privilege of the fifth amendment. These witnesses were Louis Passikoff, employed at General Electric Co., Schenectady, N. Y.; Joseph Mattson, Waino Nisula, and Waino Suokko, all employed at General Electric Co., Fitchburg, Mass.

The testimony of former Maj. Irving Peress was referred to the Department of Justice on March 8, 1954, with a request that it consider possible violations of the false statement statute or other Federal statutes.

The testimony of Aaron Hyman Coleman, a former employee of the Army Signal Corps, Fort Monmouth, was sent to the Department of Justice to determine possible violations of the false statement statutes.

Testimony of other witnesses involved in possible perjury has also been referred to the Department of Justice.

Annie Lee Moss

The subcommittee held public hearings on February 23 and 24 and March 11, 1954, on certain phases of subversion and espionage in the Army Signal Corps, particularly in relation to the continued employment of Annie Lee Moss in a sensitive position in the Office of the Chief Signal Officer at the Pentagon.[38]

Mrs. Moss' duties as an Army Signal Corps employee included the receipt and transmission by telegraph and radio of coded and plain text messages and communications originating overseas for the Army Signal Corps, the State Department, the Army Security Agency, Central Intelligence Agency, and the General Staff.

Annie Lee Moss had been employed from January 15, 1945, until June 30, 1949, in the General Accounting Office. In 1948 she was the subject of a loyalty hearing and on June 28, 1949, the Loyalty

[38] Public hearings, Army Signal Corps—Subversion and Espionage, pts. 8 and 10.

Review Board of the General Accounting Office decided in her favor. She obtained employment in the Office of the Chief Signal Officer on December 15, 1950. On January 21, 1951, she received a new loyalty hearing and was declared eligible for the sensitive position she occupied when called before the subcommittee.

Mary Stalcup Markward, a former Federal Bureau of Investigation agent who was an undercover member of the Communist Party from May 1942 to October 1949, testified in public session on February 23 and 24, 1954. Mrs. Markward held various important positions in the Communist Party in the District of Columbia. They included press director; chairman, Northeast Club, Communist Party; member, city committee, District of Columbia, Communist Political Association; member, executive committee, Communist Party, District of Columbia; and treasurer, Communist Party, District of Columbia.[39] Mrs. Markward made detailed reports to the Federal Bureau of Investigation giving names, Communist Party book numbers, and activities of Communist Party members.[40]

Mrs. Markward identified an Annie Lee Moss as a dues-paying member of the Northeast Club of the Communist Party in the District of Columbia, who was a cafeteria worker living in the vicinity of Second and F Streets NE., Washington, D. C., until her name was removed from the Communist Party rolls in October 1945. She stated that Annie Lee Moss had not been expelled from the party at the time her name was removed but that it was the practice of the Communist Party to remove names from its rolls when anyone applied for or entered Government employment. Mrs. Markward further testified that she knew a Mrs. Hattie Griffin who lived at 639 Second Street NE., Washington, D. C., to be a member of the Communist Party and that she had attended Communist Party meetings in Mrs. Griffin's home.[40a]

Mrs. Markward identified Sallie F. Peek and Charlotte Oram as members of the Northeast Club of the Communist Party at the same time that Annie Lee Moss was a member.[41]

Annie Lee Moss testified in public session on March 11, 1954. She stated that she had been a cafeteria worker until she transferred to the General Accounting Office as a clerk in 1945. Mrs. Moss also stated that she had lived in the vicinity of 525½ Second Street NE., Washington, D. C., until June 23, 1954; that in and around 1942 and 1943 she had lived for 2 weeks with Hattie Griffin in the 600 block of Second Street NE. Mrs. Moss also testified that a Robert Hall had caused the Daily Worker to be delivered to her home and that after a few weeks she objected to it, didn't want it, and refused to pay for it. She testified that she had never been a member of the Communist Party and had never seen a Communist card.[41a]

Mrs. Moss was suspended by the Department of the Army on February 25, 1954, 2 days after the commencement of the subcommittee's public hearings. She was reinstated in a nonsensitive position on February 29, 1954.

Sallie F. Peek testified in public session on February 24, 1954. She observed Annie Lee Moss on that day during the subcommittee's proceedings and when asked if she could identify her or whether she

[39] Ibid., pts. 8 and 10.
[40] Ibid., pts. 8 and 10.
[40a] Ibid., pts. 8 and 10.
[41] Ibid., pts. 8 and 10.
[41a] Ibid., pt. 10, pp. 443–462.

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knew her, she invoked the privilege of the fifth amendment on this and on all questions dealing with membership in the Communist Party.

Charlotte Oram testified on the same day and was identified by Mrs. Markward as the person who had access to the records of the Communist Party for the District of Columbia. Mrs. Oram invoked the privilege of the fifth amendment on all questions concerning association with the Communist Party. However, when asked if she knew Annie Lee Moss, whom she had also observed during the subcommittee's proceedings, she denied knowing her.

On August 4, 1954 Annie Lee Moss was again suspended by the Department of the Army and this time, in addition to the other charges she was alleged to have had Communist Party Book No. 37269 for the year 1943. On December 1, 1943, her membership had been transferred to the District of Columbia Communist Party.

She received a hearing on September 20, 1954. The Security Hearing Board completed its action and forwarded the case to the Office of the Secretary of the Army on November 5, 1954.

On January 18, 1955, Charles E. Wilson, Secretary of Defense, directed Robert T. Stevens, Secretary of the Army, to restore Annie Lee Moss to a nonsensitive position without access to classified information. Secretary Wilson's office stated that there was a clear indication of certain derogatory information occurring prior to 1946, but it was their opinion her record did not support a conclusion that she is actually subversive or disloyal to the United States. She was reassigned as a clerk in the finance and accounts office processing fiscal expenditures.

It is interesting to note that Mrs. Markward testified that she had never been called by any loyalty board concerning her knowledge of the activities of Annie Lee Moss.

American Prisoners in Iron Curtain Countries

Under the chairmanship of Senator Charles E. Potter, the subcommittee made extensive inquiry concerning American personnel, both military and civilian, who were being held as prisoners in Russia and Communist-controlled countries. Two days of executive sessions were held during which representatives of the State Department, the Army, the Navy, the Marine Corps, and the Air Force testified.

A thorough exploration resulted in the assembly of a substantial amount of pertinent data concerning Americans who were imprisoned or detained. Attempts by the executive agencies to gain the release of these American persons were carefully evaluated. It was determined that some beneficial results had been realized in the Far East because of negotiations by the State Department with the Chinese Government at the Geneva Conference and that several American civilians were to be released, while military prisoners were to be allowed to correspond with their relatives in this country. At the request of the State Department, public hearings in this matter were deferred for a reasonable period of time in the hope of more beneficial results through continued negotiations.

When the subcommittee was about to hold public hearings, the announcement of the sentencing of the 11 United States airmen and 2 American civilians in China shocked the free world. Hearings were again deferred because of the resultant action by the United Nations Assembly.

East-West Trade

The subcommittee has continued its study of trade with Red China and the Communist bloc since its interim report was issued on July 21, 1953.

Statistics in the possession of the subcommittee since that date indicate that over 75 percent of all merchant vessels going into Communist Chinese ports fly the flag of our allies. In the year 1953, vessels of our allies made over 1,445 trips in and out of Communist Chinese ports with a gross tonnage of 8,552,000 tons—an increase of 541 trips made by Western flag vessels in 1953 over the previous year and an increase of approximately 79 percent in gross tonnage. Interim statistics for the year 1954 are incomplete at this writing, but the figures available indicate that our allies' commerce with the Chinese Reds was even greater in 1954.

Shanghai is illustrative of the increased volume of trade moving into many Red Chinese ports in the first 6 months of 1954. On August 28, 1954, a Reuters dispatch from Shanghai quoted E. C. Chen, deputy director of the Communist East China Foreign Trade Bureau as saying that British ships were "steaming into Shanghai harbor at the rate of one a day along with a fleet of other European vessels." The dispatch went on to report that a total of 246 foreign vessels arrived in Shanghai alone in the first half of 1954, and that 183 flew the British flag. Naval Intelligence confirmed to the subcommittee the news story from Shanghai as "an accurate assessment of the traffic."

Certain aspects of the East-West trade issue have been examined on a preliminary basis by this subcommittee during the past year.

The Mutual Defense Assistance Control Act of 1951, often referred to as the Battle Act, provides that no military, economic, or financial assistance shall be supplied by the United States to any nation that ships war materials to those countries threatening our security. The Battle Act lists those materials which the United States believes require free world denial or limitation to the Soviet bloc.

The Battle Act list was drastically revised by Harold E. Stassen, Director, Foreign Operations Administration, on August 26, 1954. The revision allows 80 items, which until recently were regarded as strategic, to be shipped into the European Soviet bloc, including various types of generators, diesel engines, condenser tubes, motors, and machine tools. Also deleted from the embargo list were diesel oil, crude petroleum, petroleum coke, asbestos, mica, well cars, flatcars, rails, rubber working machinery, and refractory materials.

The Battle Act revision of August 26, 1954, does not apply to Red China. However, it is significant that the items deleted from the Battle Act list which cannot be directly sent to Red China can be transported from the European Soviet bloc by rail over the Trans-Siberian Railway and its connecting links or transshipped by vessel into Red China. We have seen from the large volume of shipping moving into Red China that it is the vessels of our allies that make possible a great deal of this trade.

The goods that are permitted to be shipped into the European Soviet bloc are not regarded in certain quarters as strategic to that area, but our western allies generally agree that they are still strategic to Red China. It seems logical to assume that if items are strategic to a part of the Soviet bloc, that they are strategic to all of the bloc.

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It is inconsistent to ship the items into the European bloc with impunity but not allow the same items to be shipped into Red China.

The Randall Commission, also known as the Commission on Foreign Economic Policy, which was set up by Congress in 1953[42] to examine the international relations and policies of the United States in the economic field, reported on January 23, 1954: "The present efforts to prevent exports to the European Soviet bloc *that might contribute to its military strength* must continue until genuine peace is assured." The Commission recommended that the "United States acquiesce in more trade in *peaceful goods* between Western Europe and the Soviet bloc."[43]

Despite the Commission's view that materials which might contribute to the European Soviet bloc's military strength should be embargoed, Stassen and other responsible policymakers have seen fit to delete certain items from the Battle Act embargo list that have a dual use. For example, in the list of transportation items tankcars and well cars were deleted from the embargo list even though these items are important to the economic and military life of any country.[44] Goods that can serve a dual purpose either for the military or civilian use, or any goods that might contribute to the military product base of the European Soviet bloc should not be interpreted as peaceful goods.

Trade in capital goods between the western nations and the European Soviet bloc has been increasing rapidly. The latest trade figures made available to the subcommittee by the Commerce Department disclosed that Western Europe's exports to Russia and to the European satellites increased 38 percent for the first 6 months of 1954.[45] The subsequent Battle Act revision of August 26, 1954, will stimulate this trade to even greater expansion.

On August 26, 1954, the same day Stassen issued the statement revising the Battle Act, Sinclair Weeks, the Secretary of Commerce, announced the revision of the United States security export controls. Under the authority of the Export Control Act of 1949, a list of items has been prepared that prescribes restrictions on exports from the United States. This list of items, known as the positive list of commodities for export, is under control of the Department of Commerce either for short supply or security reasons.[46] This revision deleted 663 items from the positive list and makes it possible for an American exporter to ship rubber; petroleum; steel; ores; metals; industrial, electrical, and agricultural machinery; motor vehicles; chemicals; medicinal; scientific; and professional instruments [47] into friendly countries without having to comply with the export license requirements.

The new United States security export control list also allows the American exporter to ship the above items into the European Soviet bloc if a validated export license is issued from the Commerce Department. The revised Battle Act list, which closely parallels the new United States security export control list, allows our western allies to ship items directly into the European Soviet bloc for the

[42] Public Law 215, 83d Cong., 1st sess., approved Aug. 7, 1953, 67 Stat. 472.
[43] Commission on Foreign Economic Policy Report, dated July 1954, p. 65.
[44] Supplementary explanation of Battle Act list revision, Attachment No. 1, dated Aug. 25, 1954, p. 3.
[45] Department of Commerce trade figures, dated Nov. 15, 1954.
[46] Export Control, twenty-eighth quarterly report, submitted by Secretary of Commerce, dated Sept. 1, 1954, p. 2.
[47] Ibid., p. 8.

first time in 4 years.[48] The Department of Commerce furnished this subcommittee with a list of *peaceful goods* such as foods, gift parcels, tobacco and cigarettes, seeds, and tallow that have been approved for shipment to the European Soviet bloc. The following items are some that were not approved because they might contribute to the military strength of the European Soviet bloc: borax, sulfur, arbor equipment, and automotive equipment.[49]

The administration in failing to issue a validated export license to American exporters for shipment directly to the European Soviet bloc on certain items because they are not peaceful goods is preventing the American exporter to commerce in these items, but the Paris meeting, in early 1954, attended by Mr. Stassen and other responsible administration officials, agreed to the policy of allowing our western allies to do so.

A thorough analysis should be made by the subcommittee concerning the concessions Stassen and the policymakers made in deleting and redefining items from the Battle Act list. A further study on this subject is timely in view of the fact many of these strategic items are moving into Red China, which is continuing its aggressive Communist aims.

Further disclosures should be made of the military and economic contributions our western allies continue to make to Red China by trading directly with it. These disclosures may be helpful in our continued effort to convince our western allies that they should discontinue all trade with Red China.

Pittsburgh Ordnance Depot

An investigation was conducted by the subcommittee concerning an individual employed in the office of the chief, legal division, Pittsburgh Ordnance Depot. This individual had been in continuous Government employment since September 1942, having worked for the Veterans' Administration as well as the Department of the Army.

Investigation and testimony received in executive session on August 11, 1954, from two former undercover agents for the Federal Bureau of Investigation in the Communist Party, developed that the Army employee had been an active member in the Communist Party and such Communist Party front organizations as the International Workers Order and the Congress of American Women. It was further developed that the employee was friendly and closely associated with many well-known Communist Party functionaries in the Pittsburgh area and had been observed at meetings of the Communist Party and Communist Party front organizations.

The Department of the Army was advised of the developments in this case, and the executive session testimony of August 11, 1954, was made available to the Army for its information and consideration.

As a result of the testimony received and investigation conducted by the subcommittee, the Army suspended the employee on August 27, 1954, from her employment at the Pittsburgh Ordnance Depot, Pittsburgh, Pa. While under suspension and while being investigated by the Army, the employee resigned on October 22, 1954. The

[48] Ibid., p. 6.
[49] Department of Commerce letter addressed to this subcommittee, dated Dec. 2, 1954.

Army advised the subcommittee that appropriate notation has been made to prevent the reemployment of this individual by the Army.

The Civil Service Commission and the Federal Bureau of Investigation were advised of the facts in this case by the subcommittee.

Felix A. Inslerman

In November 1953, the subcommittee made efforts to subpena Felix A. Inslerman of Cambridge, N. Y. His brother, Hans Inslerman, was an employee at Fort Monmouth, N. J., who had been suspended for security reasons after his appearance before the subcommittee.

Felix Inslerman was named by Whittaker Chambers as an individual who photographed various documents obtained from Alger Hiss in connection with a State Department Soviet espionage apparatus. He had invoked the protection of the fifth amendment on previous appearances before congressional committees and before a Federal grand jury. Following the receipt of the subpena, Inslerman consulted John D. Briggs, an attorney located in Cambridge, N. Y., and decided to disclose for the first time all the facts of which he had knowledge concerning the Soviet espionage apparatus that he was involved with.

Inslerman was thoroughly interviewed on February 19, 1954, by the staff and testified in public session the following day. His father had been active for many years in the radical Estonian Workers Club in New York City, and Felix had become a member of the youth branch of the club. While a student at Cooper Union, New York City, Felix participated in Communist May Day parades and was active in the Estonian Workers Club.

In the late spring of 1934, a friend of his father's, whom he had known for many years and who was active in the Estonian Workers Club, introduced Felix to an individual known to him only as "Bill." This was the first contact that he had with the espionage apparatus. He had frequent clandestine meetings with Bill and was paid a sum of money for his espionage work. He rented an apartment in New York City for Bill which was used as a blind to photograph documents and for meetings with Soviet espionage contacts.

Some months later Bill suggested that Felix Inslerman visit the Soviet Union and arranged for his passport and transportation. A passport was obtained, under the false name of Frank Delac, and the trip to Russia was paid for by Bill. Prior to leaving for Russia, Felix met a second espionage contact by the name of Bob.

Felix went to Russia and while there he again met Bill, who was in a Russian Army uniform. Also, a Russian contact instructed Felix in the use of a Leica camera and the sending and receiving of radio messages in the International Code. Before leaving Moscow he was instructed to meet a third espionage contact by the name of Ben in New York City upon his return.

He met Ben as prearranged, and at Ben's suggestion Felix enrolled at the RCA Institute in New York City, taking courses in radio and electrical subjects. In 1936, at Ben's request, Felix moved to Baltimore where, through Ben, he again met Bob. Felix has identified Bob as Whittaker Chambers.

In March 1937 Felix went to work for the Westinghouse Corp. and later for the Bohn Refrigerator Co. in Baltimore. He was given a

Leica camera by either Ben or Bob, which he kept and later returned in the summer of 1937 when he bought his own Leica camera. In the fall of 1937, Bob delivered to Felix Government documents which he requested Felix to photograph. These Government documents were photographed by Felix in his apartment at 2113 Callow Avenue, Baltimore, Md., as part of the operation of the Soviet espionage apparatus. Felix also went to Washington, D. C., to meet Bob and obtained additional documents which he photographed. He usually photographed the documents immediately upon receiving them and returned the originals and the microfilm to Bob either in Washington or Baltimore as soon as the photographing was completed. All of his meetings with Bob were clandestine in nature.

In May 1938, Felix obtained employment at the Glenn L. Martin aircraft plant near Baltimore, Md., and continued working there until 1942. In late 1938 his contacts with Whittaker Chambers ceased. Soon he met a new Soviet contact in New York City by the name of Jake who had taken over the activities of Ben. Late in 1938 he was directed by a telephone call to meet a stranger in Washington, D. C. The stranger gave him a letter, which he was to transmit to Jake, his espionage contact in New York City. Becoming suspicious of the whole apparatus, Felix opened the letter and discovered that Whittaker Chambers had defected from the underground and that threats had been made against Chambers and against his family. He thereafter burned all records and microfilm that he had in his apartment as a result of his espionage activities. The letter was delivered to Jake and after a couple more meetings with Jake, whom he found hostile, Felix defected from the espionage apparatus.

Inslerman revealed his participation in the Hiss Soviet espionage apparatus for the first time when he appeared before the subcommittee. As a result of the cooperation of this subcommittee, he has voluntarily communicated with the Federal Bureau of Investigation and given complete details of his activities. The information disclosed by Inslerman has been of great assistance to American security agencies and it has corroborated Whittaker Chambers' version of many of the activities of this Soviet espionage apparatus.

Fraud in Alaska

The subcommittee cooperated with the Department of the Interior in an investigation of housing and mining activities in Alaska. The investigation was instituted in the latter part of 1953 for the purpose of coordinating the activities of all Interior Department agencies in Alaska. The consulting accountant and an investigator conducted an intensive investigation in Alaska over a period of many weeks. Considerable documentary evidence was obtained indicating fraud and manipulations in the operations of the Housing and Home Finance Agency and the various units coming under that Department, including the Federal Housing Administration and the Alaska Housing Authority. Evidence assembled suggested that great amounts of money were lost to the taxpayers because of these illegal manipulations.

Subcommittee hearings were scheduled for March 1954. However, the work of the subcommittee was diverted at this time due to unforeseen circumstances. The consulting accountant for the subcommittee cooperated fully with the Senate Committee on Banking and Cur-

rency in referring to it all of the evidence obtained in connection with this investigation.

The Committee on Banking and Currency conducted hearings and heard witnesses in connection with the evidence referred to that committee. It was disclosed that at least a half a million dollars worth of surplus materials were improperly diverted to the United States Tin Corp., a privately owned enterprise. This corporation received a loan of approximately $3 million from the United States Government for its operation.

Also as a result of the subcommittee's investigation of the Alaskan situation, the Department of Justice and the Bureau of Internal Revenue are exploring various aspects of the evidence presented to them which involved possible violation of Federal statutes.

Current Work

A number of important investigations are pending at the present time. These investigations include preliminary inquiries as well as active investigations which require more staff work. Because of limited staff personnel, there are other investigations awaiting the attention of the staff, and dispositions will be reached in these cases as expeditiously as possible.

The work of the subcommittee, during the past year, was unnecessarily diverted for approximately 4 months due to charges and countercharges involving officials of the United States Army. A special subcommittee was appointed on April 20, 1954, to conduct hearings involving high Army officials, the chairman, and two staff members. This special subcommittee not only diverted the subcommittee from its work, but it also expended funds approximating $25,000. This was part of the subcommittee's appropriation for which no reimbursement was received. As a result of the activities of the special subcommittee, no hearings were held nor investigations actively conducted by the Senate Permanent Subcommittee on Investigations. Therefore, the constructive activities were curtailed and many investigations had to be neglected.

1. ARMY SIGNAL CORPS SUBVERSION AND ESPIONAGE

A portion of this report refers to the investigation into subversion and espionage in the Army Signal Corps and related commercial establishments doing work for the Army Signal Corps.

Testimony was received which established that the Rosenberg spy ring successfully took and obtained secrets from the Army Signal Corps and transmitted them to the Soviet Union; that there was an active Communist Party cell at the Federal Telecommunication Laboratories, Nutley, N. J.; and that the Communist Party organized the Shore Branch to infiltrate Fort Monmouth.

Because the work of the subcommittee was unnecessarily diverted, many of the witnesses who testified in executive session never testified in public session. It has been recommended that investigation of Communist subversion and espionage in the Army Signal Corps and its related private commercial establishments be vigorously pursued by the subcommittee.

2. IRVING PERESS

Irving Peress, while a major in the United States Army, invoked the protection of the fifth amendment in refusing to answer questions concerning Communist Party activities and was thereafter immediately honorably discharged from the United States Army. Repeated requests have been made of Army officials in an effort to ascertain what personnel were responsible in the promotion, honorable discharge, and favorable personnel action in connection with this fifth amendment Communist. The subcommittee still does not know why Army officials deliberately withheld information from the Congress concerning those individuals responsible for various actions in the Peress case. It has been recommended that the Department of the Army make available the names of all of the Army personnel responsible, and this action is still pending.

3. SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

Investigation and testimony established that the Communist Party has successfully infiltrated national defense industries and is in a position to acquire vital information concerning our military secrets and our military effectiveness. The employment of Communists in defense facilities is a clear and present danger to the national security. Many investigations conducted by the staff in connection with this subject have never been made part of executive or public hearings, and a great deal of additional investigation is contemplated in this regard.

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